52.

THE

TRIAL

OF THE

HON. GEORGE GORDON,

Commonly called LORD GEORGE GORDON,

FOR

HIGH-TREASON

AT THE

BAR of the COURT of KING's BENC

On MONDAY, the 5th of FEBRUARY, 178

BEFORE

THE RIGHT HON. EARL MANSFIELD, CHIEF JUSTICE; EDWARD WILLES, ESQ. SIR WILLIAM HENRY ASHHURST, KNT. and FRANCIS BULLER, ESQ.

CONTAINING,

Not only the Evidence on both Sides, but an Account of the Manner of conducting the Trial; the Arguments of Counsel; the contested Points in Law, &c.

ALSO

THE SPEECH OF THE ATTORNEY-GENERAL; Mr. KENYON, THE SOLICITOR-GENERAL, AND Mr. ERSKINE.

TAKEN IN SHORT-HAND,

By WILLIAM VINCENT, Esq; of GRAY's-INN.

BRITISH MUSEUM

LONDON:

PRINTED FOR FIELDING AND WALKER,

No. 20, Pater-noster-row.

M DCC LXXXI.

[PRICE ONE SHILLING and SIX-PENCE.]

[Entered at Stationers-Hall.]

ADVERTISEMENT.

THE dreadful events, which ſeemed to be the conſequence of aſſembling ſo vaſt a multitude in St. George's-fields, to attend Lord George Gordon, on the day he preſented the petition to the Houſe of Commons, are, it is preſumed, ſufficiently known to every man in the kingdom, otherwiſe it would have been thought neceſſary to have given a detail of thoſe unhappy diſturbances, previous to the following account of Lord Gordon's trial, that the reader might have the ſubject entire before him, and perceive on what motives government have acted. Should any perſon, however, wiſh to have the whole in review, a circumſtantial narration of the devaſtations committed in the cities of London and Weſtminſter, from the 2d to the 10th of June laſt, together with ſome Anecdotes of the Life of Lord George Gordon, may be ſeen in "VINCENT'S Plain and Succinct Narrative of the late Riots;" in which the Proteſtant Petition, the Thunderer, and other inflammatory and curious hand-bills, are contained.

The Court when ſitting on February 5, was compoſed of

WILLIAM, Earl of MANSFIELD, Lord Chief Juſtice;

EDWARD WILLES, Eſq;
Sir W. HENRY ASHHURST, Knt.
AND
FRANCIS BULLER, Eſq;
} Judges.

JURY.

Thomas Collins, of Berners-ſtreet.
Henry Haſtings, of Queen Anne-ſtreet.
Edward Hulſe, of Harley-ſtreet.
Edward Pomfret, New North-ſtreet.
Gedaliah Gatfield, of Hackney.
Simon Le Sage, of Hammerſmith.
Joſeph Pickles, of Homerton.
Marmaduke Peacock, of Hackney.
Edward Gordon, of Bromley.
Francis Degon, of Hammerſmith.
Robert Armitage, of Kenſington, and
John Rix, of Whitechapel, Eſquires.

Council for the Crown,
Attorney General,
Solicitor General,
Meſſ. Bearcroft,
Dunning,
Howarth,
Lee, and
Norton.

Council for the Priſoner,
Mr. Kenyon,
Mr. Erſkine.
Aſſiſtant Council,
Mr. Darrel.
Attorney,
Mr. Albany Wallis.

BRITISH MUSEUM

THE

TRIAL

OF

Lord GEORGE GORDON,

FOR

HIGH TREASON.

ON Friday the 8th of June, 1780, Lord George Gordon was apprehended, examined before his Majeſty's Privy Council, and committed to the Tower, and on Wedneſday, January 24, 1781, his Lordſhip was brought, by virtue of a Writ of Habeas Corpus, to the bar of the Court of King's-Bench, to be arraigned. He was dreſſed in a plain black ſuit, his hair, as uſual, ſtrait and without powder. The Officer of the Tower, and four yeomen of the guard attended him; a numerous body of peace officers were placed in the hall and in the court, and a file

of foot ſoldiers was ſtationed in the avenue between the coach-way and the entrance of the hall.

Previous to the indictment being read, his Lordſhip remarked, that beſides the learned Counſel, whom he had the happineſs to have aſſigned to him, by virtue of the ſtatute, Mr. Kenyon and Mr. Erſkine, he conſidered himſelf as under the protection of that wiſe and benevolent maxim of the law of England, which reminds the Judges that they are of Council for the priſoner; an office which their Lordſhips humanity would incline them to adopt, and in the diſcharge of which, he was aſſured of every benefit that he could wiſh, from their impartial juſtice.

He then begged to know if the court could inform him, why his trial, that he had earneſtly deſired, from the moment he was committed, had been delayed ſo long. This, he feared, independant of the contingent inconveniencies, had given time for prejudices to operate, and for the minds of the public to be influenced againſt him. He likewiſe ſuggeſted an apprehenſion that endeavours might have been uſed to prejudicate his cauſe in a quarter which, he truſted, would be ever inacceſſible to ſuch attempts.

Lord Mansfield replied, the ſuggeſtion was of a nature that did not entitle it to an anſwer; but that the court declared they knew in this, as in every other inſtance, nothing that did not come before them judicially. Why his lordſhip was not tried under the ſpecial commiſſion, they could not inform him, this being between the proſecutor and the defendant; the duty of the court was neither to accelerate, nor to delay the trial.

The

The priſoner then ſaid, that he perceived by the benefit of the ſtatute, which had given him the inſpection of the names of the panel, that no leſs than one hundred and ſeventy-nine had been returned by the ſheriffs, inſtead of that ſufficient number which the law required, whereby he was put to great difficulty and uncertainty of the characters, connections, and ſentiments, of ſuch a number of perſons, widely diſperſed in this extenſive metropolis; ſome of whom he underſtood to be even papiſts, and therefore highly unſuitable to be of the jury, where his conduct, as he conceived, in maintenance of the proteſtant cauſe, had eventually brought him to a trial, in which his property, life, honour, and the reputation of his family, muſt depend on the verdict. That no precedent of a panel, any thing near ſo numerous, was to be found, unleſs that in the caſe of Henſey, in the year 1756; and then it appeared an extraordinary deviation from the reaſonable number which equal juſtice and uſage have eſtabliſhed between the proſecutor and defendant: yet that panel was exceeded by ſixty, in the number of the preſent, it being then only one hundred and nineteen.

The court acquainted him, that in point of timing this objection, it ought rather to be offered when the panel would be before them, after iſſue joined, and before the jury was ſworn. Then the objections, if offered to the whole array, and the challenges, whether peremptory or ſpecial, to particular jurors, would be taken duely into conſideration, according to law.

The

The priſoner ſuggeſted farther, that he laboured under great diſadvantages in point of evidence; that two ſervants of the duke of Buccleugh were in the liſt of witneſſes againſt him, who, he found, were brought out of Scotland, to which part of Great Britain it was evident, ſince the late adjudication in the caſe of lord Macdonald, no compulſory proceſs could iſſue to compel appearance; therefore he ſhould have no opportunity of confronting his evidence.

The court anſwered, that the proſecutor and defendant would be on equal footing, as far as depended upon their authorities; the whole proceſs of the court, ſo far as it extended, being alike in the power of either party. If any thing ſhould ariſe affecting the admiſſibility of this, or any other evidence, the ſeaſon for accepting would be, when the evidence was offered upon the trial.

The indictment was then read, which was as follows:

Copy of the Indictment preferred againſt Lord George Gordon by the Grand Jury.

" Middleſex,

"THE jurors for our Lord the King upon their oath preſent, That George Gordon, late of the pariſh of St. Mary le Bone, otherwiſe Marybone, in the county of Middleſex, Eſq; commonly called Lord George Gordon, being a ſubject of our ſaid Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. not having the fear of God before his eyes, nor weighing the duty of his allegiance, but being moved and ſeduced by the inſtigation of the devil, and entirely with-

withdrawing the love, and true and due obedience which every ſubject of our ſaid Sovereign Lord the King ſhould and of right ought to bear towards our ſaid preſent Sovereign Lord the King, and wickedly deviſing and intending to diſturb the peace and public tranquillity of this kingdom on the ſecond day of June, in the twentieth year of the reign of our ſaid Sovereign Lord the now King, at the pariſh of St. Margaret, within the liberty of Weſtminſter, in the ſaid county of Middleſex, unlawfully, maliciouſly, and traiterouſly did compaſs, imagine, and intend to raiſe and levy war, inſurrection, and rebellion againſt our ſaid Lord the King within this kingdom of Great Britain, and to fulfil and bring to effect the ſaid traiterous compaſſings, imaginations, and intentions of him the ſaid George Gordon, he the ſaid George Gordon afterwards (that is to ſay) on the ſecond day of June in the twentieth year aforeſaid, with force and arms, &c. at the ſaid pariſh of St. Margaret, within the liberty of Weſtminſter in the ſaid county of Middleſex, with a great multitude of perſons whoſe names are at preſent unknown to the jurors aforeſaid, to a great number, to wit, to the number of five hundred perſons and upwards, armed and arrayed in a warlike manner (that is to ſay) with colours flying, and with ſwords, clubs, bludgeons, ſtaves, and other weapons, as well offenſive as defenſive, being then and there unlawfully, maliciouſly, and traiterouſly aſſembled and gathered together againſt our ſaid preſent Sovereign Lord the King, moſt wickedly, maliciouſly, and traiterouſly did ordain, prepare, and levy public war againſt our ſaid Lord the King, his ſupreme

and

and undoubted Lord, contrary to the duty of his allegiance, againſt the peace of our ſaid Lord the King, his crown and dignity, and alſo againſt the form of the ſtatute in ſuch caſe made and provided. And the jurors aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid George Gordon, being a ſubject of our Sovereign Lord George the Third, by the grace of God of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, and entirely withdrawing the love and true and due obedience which every ſubject of our ſaid Sovereign Lord the King ſhould, and of right ought to bear towards our ſaid preſent Sovereign Lord the King, and wickedly deviſing and intending to diſturb the peace and public tranquillity of this kingdom: Afterwards, to wit, on the ſaid ſecond day of June, in the twentieth year of the reign of our ſaid Sovereign Lord the now King, and on divers other days and times, between that day and the tenth day of the ſaid month of June, at the ſaid pariſh of St. Margaret, within the liberty of Weſtminſter, in the ſaid county of Middleſex, unlawfully, maliciouſly, and traiterouſly did compaſs, imagine, and intend to raiſe and levy war, inſurrection, and rebellion againſt our ſaid Lord the King, within this kingdom of Great Britain, and to fulfil and bring to effect the ſaid laſt-mentioned traiterous compaſſings, imaginations, and intentions of him the ſaid George Gordon, he the ſaid George Gordon, on the ſaid ſecond day of June, in the twentieth year aforeſaid, and on divers other days and times between that day and the tenth day of

the

the ſame month of June, with force and arms, &c. at the ſaid pariſh of St. Margaret, within the liberty of Weſtminſter, in the ſaid county of Middleſex, with a great multitude of perſons whoſe names are at preſent unknown to the jurors aforeſaid, to a great number, to wit, to the number of five hundred perſons and upwards, armed and arrayed in a warlike manner, (that is to ſay) with colours flying, and with ſwords, clubs, bludgeons, ſtaves, and other weapons, as well offenſive as defenſive, being then and there unlawfully, maliciouſly, and traiterouſly aſſembled and gathered together againſt our ſaid preſent Sovereign Lord the King, moſt wickedly, maliciouſly, and traiterouſly did ordain, prepare, and levy public war againſt our ſaid Lord the King, his ſupreme and undoubted Lord, contrary to the duty of his allegiance, againſt the peace of our ſaid Lord the King, his crown and dignity, and alſo againſt the form of the ſtatute in ſuch caſe made and provided."

When the reading was finiſhed, and his lordſhip called upon to plead, he anſwered he had an amendment to ſuggeſt, which was, that the indictment might contain an allegation of ſome ſpecific fact, capable of a direct anſwer; inſtead of a vague, general, conſtructive charge of levying war, and grounded himſelf upon the ſtatute of the 7 William III. c. 3. which provides, that "NO EVIDENCE SHALL BE GIVEN OF "ANY OVERT ACT WHICH IS NOT EX-"PRESSLY LAID IN THE INDICT-"MENT." He referred to the caſe of Sir John Wedderburne, where he conceived the ſpecific act laid in the indictment, was levying the Exciſe

under the authority of the Rebels; and concluded, that no inference, intendment, or conjectural implication, could be allowed; that he did not wiſh a defective or inſufficient indictment, but one upon which he might fully anſwer, his Guilt be proved, or his Innocence demonſtrated.

Lord Mansfield, Mr. Juſtice Buller, and Mr. Juſtice Aſhhurſt, repreſented to the priſoner, that he had not taken the diſtinction between the charge and the evidence of fact which was to ſupport it; that in Sir John Wedderburne's caſe, levying of the Exciſe was not laid in the indictment, but offered in evidence as a proof of levying war againſt the King: and exception was taken, that it was not evidence to be admitted under that clauſe, which exception was over-ruled. That here, the levying of war was the overt Act laid in the indictment, the ſpecific acts, amounting to levying of war could not properly be laid in the indictment, but muſt be given in evidence; and no Acts belonging to any other ſpecies of Treaſon could be given in evidence upon this indictment, ſo that the priſoner would underſtand what he had to anſwer; ſince nothing could be proved that belonged to any different ſpecies of treaſon, and did not amount to evidence in law of the crime alledged in the indictment.

His Lordſhip, however, ſeemed convinced of the validity of this objection, but being told that if it any way invalidated the indictment, he would have the benefit of it on the day of trial: he pleaded Not Guilty, and, in the uſual form, put himſelf on God and his Country.

A rule

A rule was then made by conſent, for the trial to commence on Monday, the fifth of February, and the priſoner was re-conducted to the Tower.

Accordingly, on the day appointed, Monday, the fifth of February, 1781, Lord George Gordon came down from his apartment to the parade in the Tower, at about half paſt ſeven o'clock, and walked directly towards a coach, which was waiting with two ladies in it. The Governor of the Tower endeavoured to prevent him, by calling to him, "My Lord, you muſt not." His Lordſhip's feelings, however, were too ſtrong to permit him to obey any other command, he walked forward to the coach, addreſſed the ladies, and took one of them by the hand; the converſation was ſhort, and the lady wept—it was his ſiſter, the Counteſs of Weſtmoreland. His Lordſhip then went into a coach, attended by the governor, the gentleman jailor, and his two ſervants behind. There were nine other carriages, in which were the Duke of Gordon, Lord William Gordon, Lord Adam Gordon, Colonel Woodford, and ſeveral other friends and relations. There were about thirty foot ſoldiers, and twelve warders to guard the coach, which paſſed very quietly through Tower-ſtreet. At Gracechurch-ſtreet there was a halt, to know whether they were to proceed over London bridge, or through the city, they were ordered to take the latter route, and the people, aſſembled in St. George's Fields to ſee him paſs, were diſappointed. They went through Watling ſtreet, &c without the leaſt tumult, and arrived at Weſtminſter-hall about a quarter before nine, where they found the gate ſhut, and was

only opened to receive Lord George and his attendants. Some time after it was thrown open, and people entered promiſcuouſly. The jurors were obliged to wait in the Hall till their names were called over and re-called, and the croud became very great, but orderly.

Lord George was dreſſed in black velvet and white ſtockings, his hair ſtrait, but powdered; he looked pale and thin, but very calm and collected. While the names of the jury were calling over, Mr. Kenyon applied to the court for permiſſion for the priſoner to ſit down, to which Lord Mansfield replied, "Yes, certainly." He was ſeated on the right hand of Mr. Erſkine, in the middle of the ſecond bench, commonly allotted to the counſel.

The jury were then called over at the window, to mark the names of thoſe who appeared, and Lord Mansfield obſerved, that this was not to be conſidered as a regular call, this point having been litigated in the caſe of LARES. The jury were then called and choſen, after the following manner:

William Alwick, of Portman-ſquare, was the firſt who appeared.

Mr. Kenyon aſked him if he was a freeholder of Middleſex? He anſwered that he was not, and therefore he was ſet aſide.

William Feſta informed the court that he was ſick, and therefore was excuſed.

Roger Griffin, of Iſlington-Road, peremptorily challenged by the priſoner *.

John

* The law of challenges, in caſes of treaſon, is as follows: Challenges may be made either on part of the King, or on part

John Dawes, of Iſlington, a peremptory challenge.

Nathaniel Clarkſon, Eſq; a peremptory challenge.

Thomas Saunders, of Highgate, no freeholder.

James King, no freeholder.

Henry Horace Hales, agreed between the parties not to ſerve.

John Peter Blaquiere, a peremptory challenge.

Robert Vincent, of Hampſtead, a freeholder leſs than 10l. challenged by the crown.

Thomas Collins, of Berners-ſtreet, admitted and ſworn.

Thomas Perry, no freeholder.

——— De la Mayne, no freeholder.

Henry Haſting, of Queen-Anne-ſtreet, admitted.

James Colbert (he was aſked by Mr. Kenyon if he was a member of the church of England; he anſwered that he was;) a peremptory challenge.

John Horſley, a peremptory challenge.

George Friend, no freeholder.

part of the Priſoner, and either to the whole array, or to the ſeparate polls.—*Foſter*, 250.

The word *peremptory* ſignifies the power to challenge without ſhewing cauſe; or, in other words, without aſſigning any reaſon.

Peremptory challenges, though granted to the Priſoner is denied to the King, by ſtatute 33 of Edward I. ſtat. 4. which enacts, that the King ſhall challenge no juror, without aſſigning a cauſe certain, to be tried and approved by the court. However, it is held that, the King need not aſſign his cauſe of challenge till the panel is gone through; and unleſs there cannot be a full jury without the perſons ſo challenged, and then, and not ſooner, the King's counſel muſt ſhew cauſe.—2 *Hawkin's Crown Pleas*, 413. 2 *Hale's Crown Pleas*, 271.

The boundary ſettled by the common law is to the number of thirty-five; that is, one under the number of three full juries.

But the priſoner has a right to challenge as many jurors as he pleaſes, over and above thirty-five, ſhewing the legal cauſe.

John

John Marſhall, peremptory challenge.
Thomas Proctor, peremptory challenge.
Richard Parker, no freeholder.
William Harriſon, no freeholder.
——— Carrat, no freeholder.
Thomas Brown, peremptory challenge.
Thomas Brae, peremptory challenge.
Edward Hulſe, admitted.
—— Ahmuty, no freeholder.
—— Kingſton, no freeholder.
Edward Pomfret, admitted.
—— Spirkman, no freeholder.
Ged. Gatfield, admitted.
Robert Mackie, challenged by the Attorney-General.
Joſeph Pickles, admitted.
—— Pitt, no freeholder.
Peter Miſley, peremptory challenge.
Charles Digby, peremptory challenge.
Thomas Sayre, no freeholder.
Edward Gordon, admitted.
John Milward, challenged by the Attorney-General.
William Daling, challenged by the crown.
John Perry, peremptory challenge.
Joſeph Hankey, ditto.
—— Shakeſpeare, ditto.
Robert Buttery, challenged by the Attorney-General.
Thomas Flight, ditto.
Marmaduke Peacock, admitted.
Daniel Ball, no freeholder.
Francis Degon, admitted.
James Scott, challenged by the crown.

Simon

Simon Le Sage, admitted.
Stephen Pitt, challenged.
Robert Laythrop, no freeholder.
Tho. Ayliffe, no freeholder to the amount of 10l.
Robert Armitage, admitted.
James Trimmer, challenged.
Thomas Branley, ditto.
John Bullock, no freeholder.
——— Moore, no freeholder.
Edward Ellicott, challenged.
Henry Atkins, no freeholder.
Robert Walcott, ditto.
James Manwaring, challenged by the crown.
John Rix, admitted *.

The ſpecial jury being ſworn, the proſecution was opened by Mr. Norton in a ſhort ſpeech, ſtating the nature of the crime laid in the indictment.

Mr. Attorney General then entered more minutely into the nature of the offence. He diſtinguiſhed two ſorts of treaſon, one direct, and the other conſtructive, and explained the noble lord's crime to be of the latter ſpecies. He afterwards ſtated the riſe and progreſs of the repealing bill, which had been the cauſe of ſo much miſchief; pointed out the cruelty and inhumanity of the 11th and 12th of William, which had doomed an unoffending part of the ſame community, to perpetual impriſonment, and deprived them of their inheritance, for conſcience ſake. Such a law. if at all juſtifiable, was only juſtifiable by neceſſity—but the neceſſity did not exiſt any longer: he quoted

* For a compleat liſt of the jury ſee page 4.

biſhop

biſhop Burnet's account of that bill, ſetting forth, that it had paſſed in an unaccountable manner, and contrary to the very intention of the parties who introduced it into the houſe. It originated in a faction, who framed it in ſo ſevere a manner, that they thought the miniſtry, or the upper houſe, would oppoſe, and ſo create ſome enemies to it; but they were deceived, for the crown and the lords agreed to the bill, contrary to their hopes. Such a bill was a diſgrace to our nation: one of the beſt men in it, a friend to civil ſociety, and a ſtaunch ſupporter of the proteſtant religion, Sir George Savile, brought a bill in to repeal it; and ſo unanimous were the legiſlature on that head, if there were any objection to it, it was that the bill did not go far enough, as it left ſeveral other penalties inflicted by prior acts yet unrepealed. He ſtated, that the relief this act gave was merely conditional. In order to obtain any benefit by it, there was an oath required as a pledge of the people's loyalty, renouncing, in the ſtrongeſt terms, all civil and temporal authority of the pope or foreign potentate, in theſe realms, and abjuring all pretenſions of the abdicated family of the houſe of Stuart, or any other pretender. Under this act many, he ſaid, took this oath, and no one was diſſatisfied until there was a talk of carrying the repeal into Scotland. This produced an inſurrection at Edinburgh in the year 1779, where ſeveral houſes and chapels were burned. And to quell this, the interference of the magiſtrates, and aid of the military, were found ineffectual, until the provoſt of Edinburgh pledged himſelf that the meaſure was given up. He mentioned this, be-

cauſe

cauſe it had ſome relation to the affairs of the preſent caſe, as he would afterwards ſhew. He acknowledged the right of the ſubject to petition the legiſlature. It was inherent in the conſtitution, and, he believed, nothing was at firſt intended by the proteſtant aſſociation, but a decent and rational exerciſe of that right; until about the 2d of June, when by hand-bills and inflammatory advertiſements, a multitude, or rather, a very large army, amounting to thirty or forty thouſand men, was collected together in St. George's fields; who, though they had a right to petition, had not a right to interrupt the deliberations of Parliament. He then mentioned the diſpoſition which had been made of thoſe men, the London, the Weſtminſter, Southwark, and Scotch diviſions, who were marſhalled in regular order, and took poſſeſſion of the lobby and avenues to the Houſe of Commons. Some members of both houſes were uſed ill; perhaps to ſhew what others were to expect, if they did not comply with the purpoſes of the petition. The petition being preſented, their legal purpoſe was anſwered; and if their intentions were decent, they ſhould have retired; but inſtead of that, they remained about the Houſe, and in the lobby, keeping the members confined till ſix in the evening, in the moſt diſgraceful ſituation; after which they adjourned to Tueſday, and obtained their liberty only by the interference of the civil and military power united, which drove away the mob.

After this, they attacked the chapels of ambaſſadors, which ſhould always be held ſacred in every civilized country. Thirteen of the rioters

were in conſequence apprehended; but on Saturday the mob paraded again, and did more miſchief. On Sunday they deſtroyed a chapel in Moorfields; demoliſhed ſeveral houſes, and burnt the effects. On Monday ſeveral were examined, and five were committed to Newgate, though the magiſtrates had great difficulty to prevent a reſcue. In conſequence of this, the houſes of Rainsforth and Mabberly were attacked and gutted, and their effects burnt.

On Tueſday they again ſurrounded the Houſe, till they were obliged to adjourn; this army, regularly arrayed, and led on with banners flying, attacked and demoliſhed the houſe of Mr. Juſtice Hyde, and burnt his effects, whoſe only offence was his activity in ſaving the life of Lord Sandwich. Thence they proceeded to Newgate, burnt Mr. Akerman's houſe and effects, and delivered all the priſoners from a goal, which was of ſuch ſtrength, that one might as well have ſuppoſed it poſſible for them to be delivered from the center of the earth. Having burnt this priſon, they proceeded to others. The houſe of Sir George Savile alſo, the author of the obnoxious bill, ſhared the ſame fate; and it was aſtoniſhing, that the whole capital did not fall in a general conflagration; for had the papiſts of the metropolis, many of whom are of the more laborious employments, joined to retaliate the injuries done to their innocent and perſecuted brethren, it was impoſſible to ſay where the horrors might end. Their next attack was ſtill more terrible: it was an attack upon the national credit—a whole people's property—an attack upon the Bank.

Having

Having ſtated this progreſs of the inſurrection, an eternal diſgrace to this conntry, he proceeded to ſhew the ſhare which the priſoner had in it, by inciting and contributing to the general tumult. " And now," ſaid he, " gentle- " men of the jury, you have before you the great " criminal, and grand cauſe of all this calamity!" —He then ſtated his being Preſident of the Proteſtant Aſſociation, whoſe original intention he allowed to have been peaceable, but which afterwards imbibed from him a very different diſpoſition. The priſoner was but too well acquainted with the ſentiments of parliament, to expect really an immediate repeal of the act in queſtion; yet he advertiſed a meeting of all ſorts of men, who would, no doubt, be numerous from the hope of plunder. He declared he wou'd not preſent the petition, without he was attended by forty thouſand perſons; deſired they would wear cockades, to diſtinguiſh them, and all that wore cockades were welcome. He made an excellent diſpoſition of this numerous force, placing one diviſion to the right, another on the left, &c, ordering the Weſtminſter diviſion to march one way, the Southwark diviſion another, the London diviſion a third; and deſired them to recollect what the Scotch had done by their firm conduct. This hint was pretty intelligible to a multitude, and they as readily took it. He told them, he did not deſire them to encounter any danger, that he was not ready to ſhare with them; that he would meet them there, and was ready to go to the gallows with them!— He then adverted to the advertiſements publiſhed by the priſoner, on that occaſion, ſtating that—

" Whereas no hall in London will contain forty thouſand people, that therefore the aſſociation ſhould meet on Friday the 2d of June in St. George's Fields, to conſider of the moſt prudent aud reſpectful manner of preſenting their petition, &c." Alſo the reſolves—" That for the ſake of regularity and good order, they ſhould aſſemble in diviſions, with cockades, to diſtinguiſh themſelves from papiſts, &c.--that the magiſtrates of London, Southwark and Weſtminſter ſhould attend--to prevent any one from diſturbing the peaceable behaviour of forty thouſand men;" and what added, he ſaid, to the ridicule of this reſolution, the people were to aſſemble on a ſpot where none of thoſe magiſtrates had power to act.

At the head of this army the priſoner had appeared with a cockade in his hat. By his order they were marſhalled; and whether he went with them, or met them, it was all the ſame; he might have prevented them from going; for they called to him to know whether they ſhould go or not? He then took up the buſineſs in the lobby of the Houſe of Commons: there they impeded the members in their duty, by refuſing to leave the lobby, that the Houſe might divide. And in this the priſoner was greatly inſtrumental, for he told them " the Houſe was going to divide *againſt* them, but they might do as they pleaſed." He was applied to over and over again, to deſire they would diſperſe; but he would not do ſo. On the contrary, he reminded them of what the Scotch had done. He told them the magiſtrate was ſent for---but he was a petitioner; the guards were ſent for, but they had nothing to fear. It was impoſſible

impoſſible theſe ſuggeſtions, guarded as they were, could be miſunderſtood by the multitude; but leſt they ſhould, he added, that as ſoon as his Majeſty ſhould hear of the inſurrections, within 12 miles of town, he would give orders to his miniſters to have the act repealed.

He then ſpoke of the advertiſement which appeared on Wedneſday, as being ſtill more artful and malignant. It ſtated, "that Lord George Gordon had attended in the city to harangue the multitude, but not being able to give them any aſſurance that the bill would be repealed, it was impoſſible to ſuppreſs the tumults." He afterwards mentioned, as a ſtrong proof of the priſoner's being the avowed leader of the inſurgents, "that he had ſigned protections for certain merchants in the city, to preſerve their houſes from the attack of the rabble." He contended that the repeal of the obnoxious act could not be the ſole object of this plan, but that it muſt have been fomented by foreign emiſſaries, and that the priſoner was the ſole contriver of it. He hoped, therefore, if he made all this appear in evidence, as he truſted he ſhould, the jury would give ſuch a verdict as might be a leſſon to after ages, that no man, however high in rank or circumſtances, would be ſuffered to violate the laws of his country with impunity; and concluded with ſaying, from the evidence of the witneſſes which I ſhall now call, gentlemen, not from my aſſertions, you are to be governed in giving your verdict *.

* Whilſt the Attorney-General was delivering this ſpeech, ſome of the Jury were obſerved taking notes of it; when Lord Mansfield deſired they would take no notice of it, but attend ſolely to the evidence that ſhould be given.

William

William Hay, (firſt witneſs examined.)

I know the priſoner. On the 7th of January, 1780, I ſaw him at Coachmakers-hall, and other places, five or ſix times before the 2d of June. I ſaw him at Greenwood's Rooms, the Crown and Rolls in Chancery-lane, and St. Margaret's-hill, Southwark, to which places the Proteſtant Aſſociation had adjourned. I heard the priſoner announce, to a crowded aſſembly at Coachmakers-hall, on the 29th of May, that the Aſſociated Proteſtants amounted to upwards of 40,000; that the 2d of June was reſolved upon as the day to preſent the petition; that they ſhould meet on that day at ten in the morning, in St. George's-fields, in four ſeparate diviſions, or columns, arrayed, or dreſſed, in their beſt cloaths, and with cockades, one of which he ſhould wear, to diſtinguiſh them from others who were papiſts, or friends to papiſts; he gave orders how the different bodies ſhould take their ground. I do not know the exact ſituation of the diviſions, but I think the London was to go to the right. I recollect that at a meeting held at the Crown and Rolls before this time, he read over the acts relating to the papiſts; and obſerved that his Majeſty, by giving his aſſent to the Quebec, and other acts, was or had been brought by his counſellors, into the ſame predicament with James the Second after his abdication. The priſoner alſo read the coronation-oath, and ſaid it was his opinion, that the King had made a breach of that oath. He obſerved that the people in this country had not minced the matter; they ſpoke out, and avowed their minds freely. —— I was in St. George's Fields on the ſecond of

June,

June, but not among the mob; I ſaw the priſoner there, I had never ſeen ſo many people together before; they had blue cockades and banners, with the words "No Popery! Proteſtant Aſſociation," written upon them. I ſaw the priſoner haranguing the mob, but I was not near enough to hear what he ſaid. I came home to my houſe next to St. Dunſtan's church, and ſaw them march through Fleet-ſtreet, with cockades and banners. I was afterwards at the Houſe of Commons, and in the lobby I ſaw the ſame kind of people with cockades. It was much crowded, the conſtant chime was, "Lord George Gordon." I ſaw the priſoner leaning from the gallery over the lobby, he ſpoke to them, and exhorted them to be ſtedfaſt in ſo good and glorious a cauſe; and ſaid, though there was little expectation from the Houſe, they would meet with redreſs from their mild and gracious Sovereign. I ſaw one of the flags at the burning of the Fleet Priſon, with the words "No Popery" upon it, which I had ſeen in St. George's Fields; it was carried by the ſame man who had it in St. George's Fields, and at the Houſe of Commons—the flag pointed him out to me to be the ſame man. I was at the Sardinian chapel on the Friday night about ten o'clock, and I ſaw many people who cried, "No Popery," and had blue cockades; ſome few were doing miſchief in the chapel, but I did not ſee that they had cockades: the man who did the principal miſchief had no hat on. The people without ſeemed to encourage them. I was at Langdale's, there was the ſame cry of "No Popery."

Q. What

Croſs Examination.

Q. What are you, Sir?

W. A printer on my own account, and have been a bankrupt.

Q. Was the priſoner at all the aſſociation meetings you attended?

W. Not at all; he was at Greenwood's once, and the Aſſociation was there once without him.

Q. Are you ſure the priſoner was at Greenwood's?

The witneſs begged leave to refer to his notes, which was granted him.

W. I find I was miſtaken, the priſoner was not at Greenwood's.

Mr. Kenyon, upon the witneſs's deſiring leave to refer to notes, aſked him how he came to take notes, and go to the meetings?

W. I thought what would be the conſequence of the meetings, and I went on purpoſe to obſerve. I never go to any meeting without a motive, and taking an account of what paſſes.

Q. When did you firſt apprehend theſe conſequences would enſue?

W. At a meeting on the 20th of February, but I took notes from the firſt.

Q. Did you ever, and when, take notes of any other meeting, upon any other ſubject, which you were at?

W. Yes, many times; I did ſo at the general aſſembly of the church of Scotland, more than twenty years ago.

Q. What time did you come to the lobby of the Houſe of Commons?

W. I think about ſix or ſeven; but I was confuſed, and cannot be very certain.

Q. Were

Q. Were there not many perſons who came there out of curioſity?

W. There might be ſome, but not many. I went there, thinking ſome of my friends might be in danger; but what friends in particular I cannot ſay. One Mr. M'Millan went with me to the Sardinian chapel; we were coming through Covent-Garden; ſome people ſaid they were burning the chapel, upon which we went there.

Q. How do you know that the flag which you ſaw in St. George's Fields, was the ſame that you ſaw in Fleet-ſtreet, and afterwards near the Houſe of Commons?

A. The flags paſſed by me as I was in the road in St. George's Fields. My houſe is next to St. Dunſtan's church: I ſtood upon the leads, and ſaw them paſs by there. I think the man that carried the flag had black hair, and looked like a brewer's ſervant in his beſt cloaths.

Q. Why do you think he was a brewer's ſervant?

W. I think ſo from his cloaths. I have no other reaſon.

Q. Of what religion are you?

W. I am of the church of England.

Q. You ſay you had formed an opinion of what would be the conſequences of theſe meetings: Did you ever communicate that opinion or your thoughts upon the ſubject to any one?

The witneſs heſitated for ſome time, as unwilling to name the perſon, but at laſt ſaid, I ſent my thoughts in writing to Mr. Butler, of Lincoln's-Inn. I have heard he is a Roman Catholic, but I don't know it.

William Metcalfe (ſecond Witneſs) examined.

I know the priſoner. I was at Coachmakers-hall the day when the meeting in St. George's fields was fixed upon. The hall was full. I did not then know the purpoſe of the meeting, only that the priſoner was to be there. He was ſpeaking when I came in. I heard him deſire the Aſſociation to meet him in St. George's fields on the ſecond of June. He ſaid the Scotch had ſucceeded by their unanimity, and he deſired they would be unanimous; that no one who had ſigned the petition ſhould be aſhamed or afraid to ſhew himſelf in the cauſe; that he would not preſent the petition, or he begged leave to decline preſenting it, unleſs he was met in St. George's fields by twenty thouſand people; and he recommended to them to come with ſome proper mark of diſtinction, ſuch as a blue ribband in their hats, that they might be able to diſtinguiſh their friends from their foes, and he would be anſwerable for any of them that ſhould be moleſted for meeting there, for that he wiſhed ſo well to the cauſe he would go to the gallows for it, or in it; (which was the expreſſion the witneſs could not ſpeak to with certainty) and that he would not preſent the petition of a lukewarm people. He told them when they met in the fields, to ſeparate in four diviſions, and each to take one quarter of the fields. I was there about half paſt ten: there were four columns, and one was formed eight or nine a-breaſt: many of them had ribbands in their hats; the priſoner was ſurrounded by a vaſt number of people, to whom he was ſpeaking, but I was not near enough to hear what he ſaid.

Croſs

Croſs Examination.

Q. Are you certain as to the expreſſion of the priſoner, that he would go to the gallows in the cauſe?

W. I am not ſure as to the exact expreſſion; but he ſaid he was ready to go to the gallows, or to death for it, or in it, or to that import.

Q. How long were you in St. George's Fields?

W. I was there about a quarter of an hour.

Q. Where was the priſoner?

W. At the upper end of the fields.

Q. Did you hear what the cauſe of the meeting was?

W. I did not; but I underſtood it to be the cauſe of the Proteſtant Aſſociation.

John Anſtruther, Eſq;

I was at Coachmakers-hall at the end of May, 1780; I ſaw the priſoner there; I underſtood him to be acting as preſident; and from what I heard him ſay, I took the purpoſe of the meeting to be to conſult them about preſenting their petition to the Houſe of Commons. He deſired them to meet him in St. George's Fields; and he ſaid, if there was one leſs than twenty thouſand people he would not preſent the petition; as, without that number, he did not think it would be of conſequence enough: If there were fewer, they muſt find ſome other perſon to deliver it. He reminded them of the example of the Scotch, who, by their firmneſs, had carried their point; and he recommended firmneſs to them. He concluded with telling them, he did not propoſe any danger to

them he would not ſhare himſelf; and that he was ready to go to death for the proteſtant cauſe.

Lord Mansfield. Did he ſay "death?"

W. I rather think the word was "gallows." He deſired all true proteſtants, and friends to the petition, to diſtinguiſh themſelves by blue cockades, that he would meet them in St. George's-fields; and that when they came there, the London diviſion ſhould take the right, and the Scotch the left. The arrangement of the other diviſions I don't recollect. I was in the Lobby of the Houſe of Commons, and ſaw the priſoner leaning over the Gallery which looks into the Lobby; I heard him addreſs the people from that place; he told them they had been called a mob within the Houſe, and that peace-officers had been called in to diſperſe them (I think he ſaid) "peaceable petitioners;" that the officers had given no reaſon to the Houſe why they had not diſperſed them, but he believed the peace-officers had ſigned the petition; that certain perſons had mentioned within the Houſe about calling in the military, he hoped they would not think of take a ſtep of that ſort, as it would infallibly tend to create great diviſions amongſt his Majeſty's ſubjects; and then he went on ſtating the impropriety of calling in the military in a free country. He again mentioned the conduct of the Scotch, as he had done before, and that he had no doubt that when his Majeſty heard what diſcontents there were, and that his ſubjects were coming up from miles round, he would ſend to his miniſters to get the Bill repealed. There was great confuſion in the Lobby, and ſeveral people called upon the priſoner to know

know whether he desired them to disperse; he answered, I will tell you how the case stands:—The question has been put, whether your petition shall be taken into consideration now or on Tuesday; there are *for* taking it into consideration *now* myself and a few others; if your petition is not heard *now* it may be lost; for to-morrow the House does not sit—Monday is the King's birthday, and by Tuesday the Parliament may be prorogued or dissolved. The people addressed by the prisoner had blue cockades.

The Rev. Thomas Bowen.

I officiated as chaplain to the House of Commons, on the 2d of June, 1780; I went with the speaker; the lobby was crowded, and the people were clamorous. After prayers were over, I went and sat under the gallery, by the door: the tumult in the lobby continued; and whilst the House was deliberating what method they should take to quell it, I saw the prisoner frequently go to the door; and heard him repeat, to the people in the lobby, what different members had said in the debate. He said, the speaker has just said, "you are all come here under the pretence of religion," but you are good people. He added, "Mr Burke, the member for Bristol, has said" ——. The door was then shut, and I heard no more. He afterwards said, "Mr. Rous has just moved, that the civil power be sent for," but keep yourselves cool, and be steady. At another time he said, "Lord North calls you a mob." I saw a gentleman go up to the prisoner, then standing at the

the door, who ſeemed to me to be perſuading him to return to his ſeat. As ſoon as the priſoner ſaw who it was, he called out to the people, "this is Sir Michael Le Fleming, he has juſt been ſpeaking for you." The priſoner ſeemed extravagantly pleaſed with him, and ſtroked or patted him upon the ſhoulder, and expreſſed great joy in his countenance, ſuch as I don't know how to deſcribe. When the queſtion was called for in the Houſe, I went out. During the confuſion occaſioned by the people refuſing to quit the lobby, I was in an adjoining room, and ſaw ſome gentlemen perſuading the people to retire. One of them aſked me to ſpeak to them: accordingly, I ſpoke a few words, and told them, that they hindered their own buſineſs. I heard a perſon in the lobby ſay, very diſtinctly, that if the priſoner would come, and ſay it was neceſſary for them to go, they would go. Afterwards I went up into the eating-room; and while I was ſitting at the table, the priſoner came into the room, ſeemingly much fatigued. Soon afterwards there was ſcarcely any one left beſides the priſoner and myſelf; and I thought the opportunity ſo favourable, that I could not help telling him what had been ſaid in the lobby, and that I believed it depended only on him to diſperſe them: the priſoner made no anſwer, ſoon afterwards he left the room, and I followed him into the gallery. Obſerving his Lordſhip was about to addreſs the people, I got as near him as I could; he adviſed them to be quiet, peaceable, and ſteady, for his Majeſty was a gracious monarch; and, ſaid he, when he hears that his people for ten miles round are collecting, there is no doubt but that he will

ſend

ſend his miniſters private orders to repeal the Bill. He then mentioned the intention to introduce the repeal of the popery acts as to Scotland; the Scotch, he ſaid, had no redreſs till they had pulled down the maſs houſes, and that when they had pulled down the maſs houſes they had redreſs; that Lord Weymouth then ſent poſitive aſſurances, that the act ſhould not be extended to them. And why ſhould they, ſaid he, be better off than you? He told them to beware of evil minded perſons, who would mix amongſt them, and incite them to do miſchief, the blame of which (I think he ſaid) will be imputed to you. A perſon in the lobby aſked the priſoner, if it were neceſſary for them to retire.

Q. *A Juryman.* Had that perſon a cockade?

W. I did not ſee the perſon. I will tell you, ſays the priſoner, how the matter is. The queſtion was put (I believe the priſoner ſaid that he moved it) that your petition ſhould be taken into conſideration this night; it was clearly againſt you, but I inſiſted upon dividing the Houſe. No diviſion can take place while you are there, go or not, I leave it to yourſelves. Then he aſked me if I would ſpeak to them, I ſaid by no means; your Lordſhip is the only perſon who can ſpeak to them with any good effect. The priſoner then took me by the gown, and ſaid to the people, this is the chaplain to the Houſe of Commons, and deſired them to aſk me what was my opinion of the popiſh acts, and urged me to give it. I replied with warmth, that the only opinion I ſhould give, was, that all the conſequences of that night would be entirely owing to his Lordſhip. Several gentlemen

tlemen who were about us repeated my words. The priſoner made no reply, but went into the Houſe. The lobby was full of people, but I did not obſerve whether they had cockades; the priſoner had a blue cockade. They often called, "Lord George Gordon, Repeal! repeal!" Their conduct was clamorous, but I do not know that they committed any particular act of violence. I ſtaid till the Houſe broke up; I wanted to go away earlier, but could not. At the time the Houſe broke up, the paſſages were clear; I don't know how they were cleared, but I ſaw ſome ſoldiers there.

Croſs Examination.

Q. Did you take any note, or minute, of what you have now ſaid?

W. I ſent the Speaker an account of what paſt.

Q. Were you, in this confuſion, ſo compoſed as to know clearly what paſt?

W. I was perfectly compoſed; and I had no apprehenſions of any danger, until, or except, when the priſoner aſked me my opinion of the Popiſh acts.

John Cator, Eſq;

On Friday the 2d of June, as I was going from ſome of the committee-rooms to the gallery over the lobby, I found the lobby full, and the Houſe was under a queſtion, which they could not decide, as the officers of the Houſe were not able to clear the lobby. There, in the paſſage, at the top of the ſtair-caſe, I ſaw and heard a perſon in the lobby call aloud "Lord George Gordon" two or three times. I turned round, and ſaw the priſoner

ſoner near me; who, on hearing himſelf called, came to the rails, and looked over. I did the ſame cloſe to him. The ſame perſon ſaid, "My Lord, we are ordered to clear the lobby; if your lordſhip wiſhes we ſhould clear it, we will do it directly, and without trouble." The priſoner replied, I will tell you how the caſe ſtands: I have moved to have your petition taken into conſideration now; there is Alderman Bull, and two or three more, for it; the reſt are againſt it. Do you wiſh to have your petition conſidered now? All the people in the lobby were ſilent and attentive while the priſoner was ſpeaking; but as ſoon as he had ſaid this, they cried out, "Now, now." He leant over the rails afterwards, and ſaid, "Would not you wiſh to be in the ſame ſituation they are in Scotland?" They anſwered, "Yes, yes." He replied, "Well, well."

Joſeph Pearſon, a door-keeper of the Houſe of Commons.

I was in the lobby on Friday the ſecond of June; there was a great crowd, and many of the people had blue cockades in their hats; they halloo'd and cried out, "No popery; Repeal, repeal." The priſoner came to the door ſeveral times, and told them that he would come out and let them know what paſſed in the Houſe; that they had a good cauſe and nothing to fear.—He came out once and told them, that Sir Michael le Fleming had ſpoken like an angel—He deſired them to behave quietly and peaceably, and waved his hand for them to make room and let members paſs to the

Houſe.—The mob was got out of the lobby about nine o'clock, but ſo great was the confuſion I cannot ſay how it was cleared.

Thomas Baker, another doorkeeper.

I was at the Houſe of Commons that day by twelve o'clock :—there were many people there, who were then quiet, but afterwards they were riotous, and called out to the members as they were coming into the Houſe, " Repeal, repeal— " no popery." The guards came before the lobby was cleared.

Sampſon Wright, Eſq;

I am a juſtice of the peace for the county of Middleſex. I came down to the Houſe about two o'clock; the people were then quiet. I returned again about four, and I was ordered to clear the avenues of the Houſe of Lords. I deſired the door-keepers to collect together what conſtables they could, and I went to the Guildhall, Weſtminſter, for the ſame purpoſe. When I came there, I found the windows much broken, and many people about the Guildhall, as if ſeeking for ſomebody. There was the greateſt crowd I ever ſaw. I returned to the Houſe of Lords to make a report that I could not do any thing for want of ſtrength. I was ordered to go for the guards; accordingly I ſent to the Horſe-Guards, St. James's, and the Savoy. I afterwards went to the Houſe of Commons; the Houſe of Lords was up; the guards came, and at laſt I cleared the lobby and the avenues: it was paſt eight o'clock before they were cleared.

Sampſon

Sampſon Rainsforth.

I was in New Palace-yard, Weſtminſter, on Tueſday, the ſecond of June; a party of about two hundred came over Weſtminſter-bridge, and about two o'clock the whole *Cavalcade* came from Charing-croſs down to New Palace-yard, with flags and muſic; they had blue cockades in their hats. I went to the Lobby of the Houſe of Commons, and ſaw the priſoner ſtanding in the door way of the Houſe. The people in the Lobby were ſuch as had paſſed through New Palace-yard. I heard a perſon inſtruct the mob to ſay, "Repeal the bill," but I did not hear the priſoner ſay any thing. About eleven o'clock at night word was brought to the houſe where I was at ſupper with two or three friends, that the mob was burning the Sardinian chapel. I ſaid to my friends, if they would go with me, I would go to the chapel, and endeavour to ſtop the miſchief; and that I thought we ſhould be able to do ſo if we exerted ourſelves, as I believed them to be a ſet of fellows who would ſoon run away; accordingly we made our way to the chapel; they were then deſtroying it; there were not more than five or ſix in the chapel. I ſeized one of them, but afterwards he was reſcued by the mob.

Mr. Kenyon objected, on the behalf of the priſoner, that this evidence was not admiſſible, and that what was done by the people at the chapel could not poſſibly affect the priſoner.

Lord Mansfield ſaid it was proper evidence, for it proved the violences that had been committed, and went to ſhew that they endeavoured to procure a repeal of the bill.

Witneſs. There were many people about the chapel, and their cry was---No Popery: they had blue cockades in their hats. I ſent to the Savoy, and got a guard. When they came they ſurrounded the chapel, and I deſired that all that were in it might be ſeized: we took about thirteen, and the mob was diſperſed. The perſons whom we had taken were examined the next morning; they were again examined on the Monday; but I did not give any evidence againſt them: the inſide of my houſe was pulled to pieces, and my furniture was burnt.

Charles Jealous.

I acted as conſtable on the 2d of June, and I was in Palace-yard, Weſtminſter. I ſaw a great many people, and a carriage coming down towards the Parliament Houſe, which, I was told, was the biſhop of Lincoln's: it was ſtopped by the mob, and the wheels were taken off. I ſaw a gentleman taken out of it, who, they ſaid, was the biſhop; they pulled off his wig, and ſtruck him in the face, crying at the ſame time, "No Popery." He got into a houſe in order to eſcape. The people who pulled off the wheels had not cockades,

Patrick M'Manus.

I was at the Guildhall in King-ſtreet on the 2d of June; I was ſent for from Bow-ſtreet; I ſaw a gentleman running through the paſſage, followed by people, crying out, "No Popery." I don't know who the gentleman was, but I heard it was Mr. Welbore Ellis. The people ſearched after him, and broke down a door leading into a paſ-

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ſage, where they ſaid he was gone through, but they did not find him.

David Miles.

I am a conſtable. Upon hearing that a mob was burning the chapel in Warwick-ſtreet, I went there at paſt eleven o'clock, from the Houſe of Commons. I came to my own houſe, but the mob was gone from Warwick-ſtreet before I got there. I took a man to be examined at Bow-ſtreet, for burning or robbing the chapel. My houſe was afterwards burnt by the mob.

Thomas Gates, the City Marſhall.

There was a great diſturbance on the evening of Sunday the 4th of June, in White's-alley, Moorfields. I was there. Three houſes belonging to perſons reputed to be papiſts, and the popiſh chapel, were burnt. They came again on the Monday to finiſh the miſchief. The perſons on each day had blue cockades, in general, and the cry was "No popery."

William Hyde, Eſq;

I am a Juſtice of the Peace for Middleſex. I was at the Bavarian Chapel, whilſt it was deſtroying; as ſoon as I came to Warwick-ſtreet, I ſaw many people with blue cockades. I knocked down a man that was bringing ſomething out of the chapel; the cry was—down with it, no popery. I had about twenty ſoldiers with me, and we diſperſed the mob. I was alſo at the Sardinian chapel on the Sunday, and ſaw the outrages committed there. I cannot ſay whether thoſe people had blue cockades or not. Information came to me, on the Monday, that the mob was going to deſtroy Sir George Savile's houſe, in Leiceſter-fields;

fields; upon this I immediately ſent for the military; ſome of the horſe came, and they, under my direction, diſperſed the mob. They cryed out "No popery." On the Tueſday a great multitude were aſſembled in Palace-yard, and the ſtreets leading to the Houſes of Parliament; ſeveral carriages were ſtopped in New Palace-yard, which I ſet at liberty. Information was brought to me, that Lord Sandwich had been ſtopped in Parliament-ſtreet; I went immediately with the light horſe, and found the mob round about him; his carriage was broken, and he had been cut on the left-ſide of the head, by ſome of the mob; I reſcued him, and took him home; I then came back into Parliament-ſtreet, cleared it as well as I could, and got into Palace-yard again. The mob cried "No popery." They had blue cockades in their hats, and flags flying, and about three o'clock they had got ſome weapons, that is, ſome large faggot ſticks, and there were many thouſands of them. My houſe in St. Martin's-ſtreet was deſtroyed on the Tueſday night, and my houſe at Iſlington on the Wedneſday.

Croſs Examination.

Q. Did you ſee the people cut my Lord Sandwich in the face?

W. I did not; it was done before I came. I heard one man ſwear that he would murder him, but I don't know who he was.

Lord Portcheſter.

There was a great aſſembly of people at the Houſe of Commons, who had blue cockades. I

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ſaw the priſoner, on the Friday, in the Houſe only. On the Tueſday he had a blue cockade in his hat.

John Lucy.

I was in Palace-yard in the evening of Tueſday. There was a great mob, who had blue cockades in their hats. They cried out, "No popery," and had three flags with them. One James Jackſon carried one of the flags: he waved it, and called out, "To Hyde's, hoa! deſtroy his houſe for "ordering the horſe to ride in amongſt us." I went to Hyde's houſe, and ſaw the ſame Jackſon there with the flag. Goods were thrown out of the houſe and burnt, and the inſide pulled to pieces. The ſame man afterwards called out, "Hoa! for Newgate, and let out the priſoners." I ſaw the mob and him there with the flag.

Barnard Turner, Captain of the London Foot Aſſociation.

On Wedneſday the 7th of June, about ſix or ſeven o'clock in the evening, the Military Aſſociation were under arms. They marched into Broad-ſtreet, where the mob were deſtroying a houſe. I halted. I was commanding officer. I ſpoke to the people, and endeavoured to diſperſe them by words, but, finding that ineffectual, I was obliged to order the Aſſociation to fire. They fired for four or five minutes before the mob diſperſed: they then marched to St. Catharine's, where the mob were burning another houſe. The Aſſociation were employed on the Wedneſday and on Thurſday morning, in marching after the mob, who were armed with bludgeons, iron bars, and

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ſome with cutlaſſes and fire-arms; but chiefly with bludgeons and iron bars. The Aſſociation aſſembled on Thurſday morning, when Cheapſide was filled with mob; but then they had no arms. The common cry at all theſe places was, "Down with the Papiſts! No Popery!"

Richard Pond.

This witneſs was ſhown a paper, which was to this effect: "All true friends to the proteſtants will do no injury to the houſes or property of good proteſtants; and I am aſſured, the proprietor of this houſe is a ſtaunch friend to the cauſe."

Signed, G. Gordon.

I ſaw the priſoner ſign this paper. When the mob came to my houſe I ſhewed it to them, and my houſe was not pulled down: I do not live in the houſe myſelf, but I let it to a tenant.

Croſs examination.

Q. When was this paper ſigned?

W. On the Wedneſday.

Q. How did you get it ſigned?

W. I applied to the priſoner, who was in his coach, and Alderman Pugh was with him. I brought the paper with me ready written.

Q. Why did you apply to the priſoner to ſign this paper?

W. Becauſe I thought it would be of ſervice to me—my tenant is a papiſt.

Q. Do you know that that paper was the means of ſaving your houſe?

W. I cannot ſay whether it was, but I ſhewed it to the mob, and my houſe was not burnt.

Q. How

Q. How came that paper out of your cuſtody?

W. Mr. Wilkes applied to me for it, and I let him have it.

John Dingwall.

This witneſs was called to prove the hand-writing of the priſoner, but he ſaid he had never ſeen him write, and though he acknowledged he had known the priſoner from his infancy, he perſiſted that he had never ſeen him write.

Mr. Erſkine was going to examine this witneſs, with reſpect to ſome converſation which paſſed between him and the priſoner the day before the 29th of May, which would prove his Lordſhip's motives for propoſing the meeting in St. George's Fields on the ſecond of June.

This evidence was objected to.

Mr. Kenyon contended, that as the noble Lord's intention conſtituted the guilt or innocence of his conduct, words ſpoken by his Lordſhip were very proper evidence of that intention; and as evidence of the noble Lord's expreſſions had been admitted to criminate him, it was only juſt that he ſhould be permitted to give evidence of thoſe tending to his juſtification.

Lord Mansfield. You cannot go into evidence from what the priſoner ſaid about his deſigns, unleſs connected with words which have been proved againſt him. A man's motives cannot be proved by his own declarations. They may be proved againſt him, but not for him.

Mr. Metcalfe was again called, and delivered into the court an extract from the journal of the Houſe of Commons. I examined this paper with

the journal of the Houſe of Commons, and it is a true copy. The paper was read; it was a copy of the journals of the Houſe, containing Sir George Saville's motion for the bill, to repeal part of the act of William III. and the ſeveral proceedings of the Houſe upon that motion, to the time the bill paſſed that Houſe.

The council for the crown then called General Skeene to prove the riots in Scotland. The priſoner's counſel objected to this evidence—that it was extraneous to the priſoner's conduct, and he had no connexion with the riots in Scotland, if there had been any.

The Attorney General contended, that the ſaid evidence ought to be admitted; for as it had been proved that the priſoner had often alluded to the conduct of the Scotch, and ſet it up as an example to the Aſſociation here, evidence to ſhew what that conduct was became neceſſary.

Lord Mansfield read ſome of thoſe expreſſions which had been proved, and delivered the opinion of the court, "that the evi-"dence which had been offered ought to "be admitted."

General Skeene.

I was at Edinburgh in the month of February 1779; there was a great diſturbance, and the mob pulled down and burnt the Popiſh chapel, and the houſe of a Popiſh prieſt, called Biſhop Hay. Their cry was, "To pull down popery." I believe the military were called in to quell the mob.

Croſs

Croſs examined.

Q. Did you ſee the houſe or chapel ſet on fire?

W. I did not; I knew nothing of the motives of the mob, but from what I heard.

Hugh Scott.

I was at Edinburgh in the year 1769; there were great riots, and much miſchief was done; but I did not ſee it done.

Robert Grierſon.

I am a ſervant of the Duke of Buccleugh; I was in Edinburgh in the month of February 1779, and ſaw a Roman Catholic chapel burning; I was about two hundred yards diſtant, but I did not ſee it ſet on fire.

William Mackenzie.

I was at Edinburgh in February 1779; I ſaw the Popiſh chapel there on fire; there was a great mob about it, but I did not ſee it ſet on fire, nor do I know who did it.

Mr. Attorney General. My Lords, I have other witneſſes which I could call to prove the burning and deſtruction of the priſons and houſes in and about the metropolis, but as general evidence has been given of the proceedings of the mob, and what they did is publicly known, I will not treſpaſs upon the patience of your lordſhips and the jury, but reſt the proſecution on the evidence which has been given.

The Priſoner's Defence.

Mr. Kenyon opened the priſoner's caſe, by obſerving, it was very much to his diſadvantage, for that, as the Attorney General had ſaid, he was going to enter on his defence at a time when the court and the jury were fatigued, and their patience exhauſted with the tedioufneſs and toil of the day. The noble priſoner alſo laboured under another very material diſadvantage, which was, in having a counſel very little accuſtomed to criminal proceſs; and who felt his mind very much agitated under the preſſure and weight of the buſineſs. He truſted however, that the noble priſoner would find in the good ſenſe, candour, and diſcretion of the jury, that aſſiſtance and ſupport which he ſhould want in his counſel. That they would diſtinguiſh between his caſe as it ſtood on the evidence, and in the ſpeech of the King's counſel. Their candour and juſtice would point out to them the duty of looking round to the motives that had actuated the noble Lord; and they would pay a very material regard to the diſtinction that ſubſiſted between two tranſactions that had been ingeniouſly, though cruelly, blended together. In order therefore, to lead them to the diſcovery of the noble Lord's motives, they would conſider that the noble priſoner was a member of one of the moſt ancient and exalted families in this country, high in birth, and reſpectable for their loyalty and moral virtues---a family moſt eminently diſtinguiſhed for their love and attachment to the conſtitution. It would alſo be remembered by them, that at that time he was a

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member of Parliament, and conſequently that he muſt have that reverence and regard for the legiſlative dignity of the empire, as to have no wiſh to bring about the repeal of any act by other than legal means. He could have no intereſt in anarchy and confuſion, nor could he from any common principle of human action, wiſh to introduce rebellion and revolt. Theſe were pertinent concluſions of probability, to which the jury would attend. He adverted now to the Act mentioned by the Attorney General in the outſet, the act of Ed. III. under which the indictment was laid. It was an act calculated for the wiſeſt purpoſes, but very unwholeſome concluſions and advantages had been drawn from that act; which it was not the intention of the legiſlature at the time of making it to ſanctify. It was very true, that levying war againſt the perſon of the King was by that act conſtituted High Treaſon. The preſent indictment was not laid on that head. It was from what in modern practice was called conſtructive treaſon, and which was, as the Attorney General had ſaid, aſſembling in a riotous manner, and attempting by force to controul the proceedings of parliament. He lamented that there was ſuch a clauſe in the act. It was full of danger, obſcurity, and doubt, and tended much more to create diſſentions, and anſwer the purpoſes of machination, than give ſecurity to the ſtate. It was not the intention of the legiſlature, that this interpretation ſhould be put upon it; and though it had been ſo done in ſome caſes, it was a practice he would venture to affirm exceedingly injurious, and which ought to be managed with great delicacy

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and forbearance. The indictment ſtated, that the noble Lord had levied war by aſſembling great multitudes together, and ſtriving by terror and outrage to compel parliament to repeal an obnoxious law. The Attorney General, in ſtating the caſe, had endeavoured to rouſe the paſſions of the jury, by deſcriptions exaggerated and unfit. It was not proper, he ſaid, to make ſuch an attempt; he muſt ſay it was not well done. He had called the multitude an army, and he had dealt in expreſſions which implied much more than they avowed, of a military nature, and in terms in which he was not ſupported by the evidence adduced, ſuch as " marching in array, marſhalled in columns, diſciplined, carrying enſigns and flags, &c." Theſe impreſſions were calculated to impreſs on the minds of the jury an idea that the whole was conducted and undertaken by a military body, whereas, by the plaineſt evidence, it would be proved that thoſe with whom the priſoner was connected, who went up to the Houſe with their petition, went up in a ſober, quiet manner, unarmed, unaccoutred, and entertaining no hoſtile intentions. He truſted, therefore, that theſe attempts to prejudice the jury would not avail, and that they would judge from the facts preſented to them in evidence.

He now reviewed the evidence that had been brought in ſupport of the proſecution, beginning with that of William Hay. The evidence of this witneſs was exceedingly ſuſpicious. He had acknowledged himſelf in ſeveral inſtances to be in the wrong, particularly with reſpect to his having ſeen Lord Gordon at Greenwood's rooms. After

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ſwearing poſitively that he had ſeen him there, he confeſſed he was in the wrong, and that he had not ſeen him. He was a man who frequented public places, he could not tell for what reaſon, but he conſtantly went from place to place with the inquiſitorial intentions of a ſpy, and he made minutes of what was done. He too, like the Attorney General, was fond of uſing military terms. He had arrayed inſtead of dreſſed the people in their beſt cloaths, and had placed them in columns inſtead of diviſions. He was corrected indeed in theſe expreſſions, but not till ſome time after he had made them, that they might have their influence on the mind. He had ſaid that Lord George had declared, that the King, by aſſenting to the Quebec and to the late act, was brought into a ſituation ſimilar to that of James II. after his abdication. This was a truly curious aſſertion. Could the jury believe for a moment that a man of ſenſe could utter it? What relation under heaven was there between his Majeſty and the unhappy James? It was a wanton aſſertion, unſupported, and which, he truſted, would be diſbelieved; for the Jury would conſider, that when men came ſingly to points of ſuch importance, a ſuſpicion is to be inferred. The Jury were to take the probability of evidence into their conſideration; they were to remember that all might not be true which was ſworn to, ſince it was a lamentable fact, exemplified in the experience of every day, that men came into the courts of juſtice, and ſwore to falſehoods; juries were therefore to collect the credit of aſſertions from the circumſtances of probability. It was a difficult

cult thing to diſpute matters that never exiſted; but refutation might be gathered from the improbability of the caſe. The aſſertion alluded to was ſaid to have been made in a public room, where hundreds were preſent, and where hundreds might hear; and yet not one more witneſs was brought to confirm the evidence, although the Solicitors for the Crown had taken ſo much pains in preparing their proofs. This was a plain indication that they could not procure any other evidence to this fact. The learned gentleman alſo expoſed his embarraſsments and contradictions with reſpect to the man who carried the flag; the confuſion that there was in the Lobby, and his yet knowing every thing that was ſaid with the utmoſt diſtinctneſs. His having ſaid that a Mr. M'Millan was acknowledged to be in the court, and yet was not called to confirm the evidence; all this went ſtrongly againſt the witneſs. Mr. Medcalfe's evidence proved no material charge againſt the priſoner. He had heard him ſay that he would go to the gallows for the cauſe, at the meeting. He *had* heard this, but he had *not* heard the reaſon for the aſſertion, which was owing to a contrariety of opinion about the legality of more than a certain number's ſigning and preſenting a petition to the Houſe of Commons. This doubt aroſe from the ſtatute of Charles II. limiting the number, and the queſtion was, whether it was ſtill in force? Lord George declared it was not; that it was repealed by the revolution. It was on this ground that the noble Lord had ſaid, that he would pledge himſelf on the legality of the matter, and would go to death on the truth of his opinion. The learned Counſel

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was of the ſame opinion; and the very higheſt legal authority would be required to convince him, that after the revolution every ſubject of this country had not a right to petition parliament. Mr. Anſtruther, in the evidence which he had given, was exceedingly fair and candid, and reſpect was to be paid to him, becauſe he was a gentleman of character. He had heard Lord George recommend temperance to the people, as the beſt ground of conduct to inſure ſucceſs; and here the counſel ſtated, that though Mr. Anſtruther, as well as the other witneſſes, had been in the Lobby of the Houſe, and heard the converſation of Lord George, not one but Mr. Bowen had heard him ſay any thing about maſs-houſes. The jury would take notice, that *all* their accuſations were advanced by the report of a *ſingle* witneſs. They had found it a difficult thing to procure men to concur in the ſame ſtory. Mr. Cator did not mention it. The door-keepers, who were in the Lobby, and heard all that was ſaid, did not mention it. In ſhort, it was unconfirmed and unſupported. Witneſſes had ſaid, that there were other perſons in the place beſide the Proteſtant Aſſociation. Mr. Rainsforth had proved this, and it would be proved more particularly. But he had ſaid, that a Colonel Miles, a man whom nobody ſuſpected to belong to the Proteſtant Aſſociation, was there, inſpiring the people. There might be others, and thoſe men were the inſtigators of the tumults. Was Lord George Gordon to be found guilty of crimes which belonged to another? As to all the hearſay ſtories which Rainsforth and Hyde had told about the Biſhop of Lincoln, Lord Sandwich, and ſo

forth, it was totally impertinent and foreign, ſince they ſpoke not from perſonal knowledge.

The jury, with the whole of the evidence before them, would compare and diſtinguiſh between the probable and improbable. He declared, that with this body of evidence on which to proceed, and exerciſing judgment with mercy, he ſhould not at all heſitate to have the caſe of the priſoner in their hands. They would not, in a ſentence of ſuch magnitude, permit conjecture to operate where certainty was required. The ſentence which they would give, on which they could reflect without pain, and without remorſe, might be fully made up even from what they had already heard; but to make the priſoner's caſe more plain and clear, he meant to adduce ſome evidence to counteract what they had heard. One material point was to enquire, whether guilt had been imputed to any one of the priſoner's aſſociates? Had any one of them been convicted of aſſiſting the riots in any degree? Not one. The officers of the crown had been properly anxious to make every enquiry into the tranſactions; and they had not found that the members of the proteſtant aſſociation were, in any degree, connected with the rioters, or concerned in the outrages which were committed. That there were outrages of a ſhameful nature, which reflected diſgrace on the government of this country, by being ſuffered to grow to ſuch exceſs, was too true; but if other men, and not the noble lord and his aſſociates, took advantage of their peaceable conduct, he was not anſwerable for conſequences to which he did not contribute.

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He oppoſed the doctrine of the Attorney General, " that a man who turned a wild beaſt looſe into the world, if the beaſt ſhould kill a man, he who turned it looſe was guilty of murder." He admitted, it would be ſo if he turned him into a room, and ſuch accident were to happen; but if turned looſe in the world at large, it was not ſo. The Attorney General would not ſay ſo again, for it was not the law of the land; he would not ſay it again, becauſe it would prove he was as deſtitute of law as of humanity; but if this had been the caſe, it would not apply to the proteſtant aſſociation, of which his lordſhip acknowledged himſelf the preſident. They had choſen him for his rank and his virtues, as a man of pious and ſober life, and capable of giving weight to their cauſe. They thought they had reaſon to complain of an act of the legiſlature: he would not ſay with what reaſon they found fault; he was a friend to toleration, and therefore might not agree with them, that the act, of which they complained, was improper; he muſt at the ſame time do them the juſtice to ſay, that if they thought it wrong, they had a right to apply in a peaceable way to their repreſentatives, praying them to view it. It was the birth-right of Engliſhmen; for our laws were not like thoſe of the Medes and the Perſians—they were not irrevocable. But to the priſoner, the Aſſociations had ſubſiſted long before he was called upon to become their preſident. They ſaw in him thoſe moral principles, and that virtuous life, which would become the head and leader of an Aſſociation formed in motives of piety. After he had accepted of this office, he

had often had the mortification of hearing in the Houſe of Commons reproaches thrown out againſt the Aſſociations, and againſt the petition that they were about to preſent——that it would not be ſigned by men, but by names, and imputed motives to the petitioners that were diſgraceful. It was for the purpoſe of undeceiving thoſe who were beguiled by this aſperſion, and of giving Parliament a full idea of the reality and the ſerioufneſs of the petition to be preſented to them——that he invited the Aſſociation to accompany their petition to the Houſe. But they formed no army; they came in no array; with no weapons; with no hoſtile intentions; they met at ten o'clock in the morning, becauſe that was an hour of ſobriety, and they behaved themſelves peaceably throughout. But in reſpect to the protection which had been produced to ſhew that he had an intereſt with the multitude, the ſtory of that circumſtance would aſtoniſh the Jury. Lord George, alarmed and filled with horror and conſternation at the ſcene of devaſtation which ſucceeded through the intrigues of villains, deſired to have acceſs to his Sovereign for the purpoſe of aſſuring his Majeſty that the people with whom he had been connected were not the authors of the evils, and that they poſſeſſed the pureſt ſentiments of loyalty and reſpect for the government and the laws. The Secretary of State would be called to prove, that this was the ground of the application; he was not admitted, but of this he did not complain. He was given to underſtand, "that in order to deſerve well of his Sovereign, he ſhould exert himſelf on the occaſion; and he

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was desired to go into the city, and do what he could to put a stop to the horrors as a test of his duty." In consequence of this he went with a civil magistrate, and endeavoured by every conciliating effort to stop the current of diabolical rage. In the course of his passage he was applied to, while in the carriage, and desired to sign a paper, which was presented to him, and the person said "it would contribute to put an end to the outrages." What could he do? He could not refuse. It would have been construed into bad design; he signed it with the best of motives, and yet this paper so obtained, and so intended, was now produced against him. He thought there was something exceedingly indirect and uncandid in this part of the evidence.

The learned gentleman concluded with appealing to the jury, trusting that they came there with no prejudices; and that they would hear and decide on the evidence, wisely and deliberately, without partiality or haste; and that whatever faults the noble Lord might have of warmth of temper, enthusiasm, or youthful ardour, they would yet free him from every imputation of hostility to the government of this country.

As soon as Mr. Kenyon had finished, Mr. Erskine rose, and addressing himself to the court, said, he wished to defer what he had to say in defence of his noble client, till after the witnesses on his behalf had been examined. This he said had been permitted in other cases, and therefore he hoped it would be in this.

The Attorney-General made no objection, and the court granted Mr. Erskine's request. The first witness they called was, The

The Rev. Eraſmus Middleton.

I am a clergyman of the church of England, and lecturer of St. Bennett's. I am a member of the Proteſtant Aſſociation, and have been ſo from the time of its firſt eſtabliſhment, which was in the month of February, 1779. In conſequence of the bill of repeal brought in by Sir George Savile, and paſſed the year before, a few perſons met at Coach-makers-Hall, for the purpoſe of preventing the growth of popery. To this end we publiſhed little books, and enquired into the ſtate of the ſchools, and the encreaſe of popery. The Aſſociation was to be open to all proteſtants, and to meet quarterly. In the months of January, April, July and October, ſeveral meetings were held, and we propoſed the Proteſtant Aſſociation of 1696, which was lodged in the Tower as an example for us. We publiſhed, in the month of November 1779, an appeal to the public. The biſhop of Litchfield was requeſted by the ſociety, to permit two ſermons of his to be printed and diſtributed; but he declined that, as there were other publications likely to have a better effect. On the 12th of November we wrote to Lord George Gordon, ſoliciting him to become our preſident; to which he returned an obliging anſwer, accepting of our offer. In the ſeveral meetings which were had, his lordſhip always demeaned himſelf as a loyal ſubject. I looked upon his conduct with a degree of jealouſy, and never could ſee that he had any thing in view, but to procure a repeal of the Bill by all lawful means, and to promote the intereſt of the Proteſtants. I never heard him make uſe of any

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expreſſions of diſloyalty, or that he would attempt to get the bill repealed by force of arms; quite otherwiſe, he was always peaceable and moderate, all the meetings were open and public, ſome people came who were ſuppoſed to be papiſts and created diſturbances: a perſon ſpeaking diſreſpectfully of the biſhops was reprimanded, and a rule was eſtabliſhed, that no reflection ſhould be made on any one, nor any inflammatory ſpeech be permitted. I was preſent at the meeting on the 29th of May, the priſoner had, at a previous meeting held at the Crown and Rolls, agreed to take the chair on that night. A motion was made, whether the Aſſociation ſhould attend the Petition; it was over-ruled, but the queſtion was not regularly put, ſome were for it, and ſome were againſt it, and there was a confuſion. The priſoner came to the next committee meeting, which was held in Beaufort buildings, he ſpoke to every one of the committee, which conſiſted of about eleven or twelve perſons, ſeparately, to know their opinions about another meeting, and then deſired them to hold up their hands; and they all were for it but the ſecretary; an advertiſement was then publiſhed for another meeting. I was one of the committee at the meeting on the 29th of May; his Lordſhip came to us in a ſide room, and read the heads of what he propoſed to ſay before the Aſſociation. The committee, at a former meeting, would have poſtponed the preſenting the petition to another ſeſſion of parliament, as that preſent ſeſſion was ſo far advanced; and they went ſo far as to ſend to the priſoner for the petition. I was at that time the only one againſt deferring it, but afterwards,

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at the meeting held before the 29th of May, the committee were perſuaded by the arguments of his lordſhip. After his lordſhip had read the heads of what he intended to propoſe, he took the chair, and told the Aſſociation (which was very numerous) that he had been informed they were averſe to going up with the petition that year, and he begged to know it from themſelves. All parts of the hall immediately called out, No, No. He then put the queſtion, Whether they ſhould attend? and they were unanimous that they ſhould. He then read ſome reſolutions, and propoſed a time and place for adjourning the meeting to, which was on the ſecond of June, in St. George's Fields. They were to be in diviſions, that his lordſhip might go from one to the other, and learn the ſenſe of the whole. He mentioned that it had been repeatedly ſaid, that it was a very eaſy thing to ſubſcribe four or five hundred names to a petition, and therefore it was neceſſary for thoſe who had ſigned to appear, in order to convince the world that the names were not fictitious. He propoſed to them to make uſe of cockades, to diſtinguiſh themſelves from others, and that he would meet them in the fields, at ten o'clock in the morning; an early hour was objected to by ſome, leſt ſome of the people might get drunk; to which his lordſhip anſwered, there was no fear of that, for Proteſtant Aſſociators were not drunkards. Somebody obſerved, that the aſſembling of ſuch a number of people might cauſe the military to be drawn out. His lordſhip ſaid he apprehended not, as they would behave orderly, which he ſtrongly recommended, and deſired that they would not ſo much

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as carry ſticks in their hands; he deſired that no one would return a ſtroke, and reminded them of this religious maxim, "If they ſmite thee on one cheek, turn thou the other alſo." He begged that any one that was riotous might be given up to the civil power, and even himſelf if he were riotous. During the meeting his lordſhip behaved peaceable, and never made uſe of one inflammatory expreſſion.

Croſs Examination, in behalf of the Proſecution.

Qu. Coachmakers-hall was very full I ſuppoſe?

W. It was; ſo were all the avenues. There might be more without than within. They could not all hear what his Lordſhip ſaid, but thoſe who did repeated it to the reſt.

Q. Was it not ſettled in the hall that the whole body ſhould go out with the petition?

A. The mode of preſenting it was to be ſettled in the fields.

Q. How was the priſoner to take the ſenſe of forty thouſand people in the fields?

A. I don't know. I did not go into the fields.

Q. Why did you not?

W. I had parochial duty to perform, which I conſidered to be indiſpenſable.

Q. Had you no other reaſon—What was your opinion of preſenting the petition in that way?

W. I did not think it expedient to preſent it ſo, and many of the committee were of my opinion.

Q. Did it not occur to you that it was too late, and that a Bill could not be then carried through the Houſes and paſſed?

W. There was time, if it were carried through in as ſhort a time as Sir G. Savile's was.

Mr. Kenyon. As I obſerve my Lord Stormont is in court, I wiſh, in order to ſave his lordſhip the trouble of waiting, to examine him now, though out of the chain of our evidence.

Lord Stormont.

I was attending his Majeſty, with others of his confidential friends, on the morning of Wedneſday the 7th of June, at Buckingham-houſe. About ten o'clock a page ſcratched at the door. I went out. He brought word that the priſoner was at the gate, and deſired to ſee his Majeſty. I ordered him to be ſhewn into a room, and went to him. I aſked him what he wanted. He ſaid, to ſee the King, becauſe he could be of eſſential ſervice in ſuppreſſing the riots. I went with this meſſage, delivered it exactly, and the anſwer I brought back to the priſoner was this, "It is impoſſible "for the King to ſee Lord George Gordon till he "has given proofs of his loyalty, by uſing thoſe "means, which he ſays he has, to ſuppreſs the "riots." The priſoner ſaid, "If he might pre-"ſume to reply, it was to ſay, he would uſe his "beſt endeavours."

Thomas Evans.

I am a member of the Proteſtant Aſſociation. I was in St. George's Fields on the ſecond of June. I was coming through Bridge-ſtreet, Weſtminſter, in my carriage, when I was ſtopt by Mr. Smith, the Guildhall keeper at Weſtminſter, who ſaid he had ſomething particular to communicate to the priſoner,

priſoner, or the Proteſtant Aſſociation. He then told me, that ſome journeymen weavers, and other low people, had been obſerved to aſſemble, and that he was apprehenſive there would be a riot.

Mr. Attorney General. What Smith told the witneſs is no evidence.

Court. Certainly not.

I went into St. George's Fields, and ſaw the priſoner in the middle of the Scotch diviſion. I had never ſeen him before. I got to him, mentioned to him that Smith had told me of the aſſembling of the journeymen weavers, and that there would be a riot, if more than twenty or thirty people came up with the petition. I then aſked the priſoner, if the whole body was to attend him? He ſaid, by no means. His plan was to go alone, and preſent it. I told his lordſhip I was glad of it; and aſked him, whether I might tell the people ſo? He ſaid, "with all my heart." I immediately told them, that they were to remain in the Fields, and that the priſoner was to go alone. I then went to the other end of the Fields, to tell the other diviſions, and I found to my great ſurprize the people formed in a marching order, ſix in a row, with their faces towards the Borough. I got out of my coach, went up to them, and aſked them, what they were going to do? They ſaid, to march through the City. I told them, they muſt not go out of the Fields, and repeated to them what Smith had told me. They anſwered, I need not be afraid, for they were determined not to make any riot. Somebody preſent ſaid, that as I appeared ſo zealous in the buſineſs, I might go over Black Friars Bridge,

and ſtop them on Ludgate-Hill; but I thought it would be to no purpoſe, and therefore I went home.

Croſs Examination.

I don't know how the petition was to be brought to the priſoner, nor what diviſion carried it.

John Spinnage.

I ſaw the priſoner in St. George's Fields, and Smith having mentioned to me his apprehenſion of a riot, I went up to the priſoner, and told him, I hoped he did not intend to bring any part of that body of people over the bridge. He ſaid, No, by no means; I mean to go to the Houſe alone. The people were then very quiet and peaceable, and were decently dreſſed; they had no weapons, and they did not appear to me to be of the lower claſs.

William Smith.

This witneſs began to relate ſome converſation which he had held with one Walter Ruſſell, from whom he had received the information which he had communicated to Mr. Evans and Mr. Spinnage. It was admitted that this converſation could not be given in evidence; his teſtimony, therefore, was not admitted.

Mrs. Wittingham.

I ſigned the petition; I was in St. George's Fields in a coach on the 2d of June; the priſoner came to the coach door; he appeared to me to be greatly

greatly fatigued; I desired he would get into the coach; after he was in, a great number of persons crowded round the coach, and several of them wanted to attend him; but he refused to be attended by them. He said he was much obliged to them for their offer; but he wished to go to the House alone. Accordingly the coach drove off, and I set his lordship down at the House of Commons.

Alexander Johnson.

I was one of the petitioners. I went in the London division through the city to New Palace Yard, I was in the end of the procession; we did not find any people there. I went to dinner in the Strand with some friends, and about six or seven o'clock in the evening, we were told that there were great disturbances in Palace Yard. They proposed that we should go down, and endeavour to put a stop to the disturbances: I was against going, and told them the persons who made those disturbances, were not friends to us or our cause, and that we had therefore better stay where we were. But my friends persuaded me to go; when we came there, I saw about twenty boys and three or four men stop a carriage; I went and asked them why they did so? one of the men said they had authority; I said, I have authority too, and I immediately laid hold of the man, and the carriage drove on. They afterwards stopt another carriage, in which was an old gentleman; he told them he was as serious a friend to the Protestant cause as any of them. The people who composed this mob, were n[illegible]

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thoſe that were in St. George's Field's, nor like them; they were chiefly lads. I did not know that the Aſſociation were then at the Houſe, and I had no other reaſon for going down to Palace Yard than to quell the riots.

Alexander Fraſer.

I ſigned the petition, and was in St. George's Fields on Friday, the 2d of June. I came over Weſtminſter bridge before the body of the aſſociation; I then ſaw many people on the Weſtminſter ſide of the bridge; they looked ſhabby; had blue cockades, but I do not think they were of the aſſociation, becauſe many of them were in liquor, though it was not more than twelve o'clock. I ſpoke to one man, and aſked him, if he was of the aſſociation? His anſwer was, "No, by God, this is my aſſociation," ſhewing a great club.

Croſs examination.

I think the confuſion began about one o'clock. People were pulled out of their carriages, by perſons who had blue cockades; but they were not ſuch perſons as I had before ſeen near Weſtminſter bridge.

Sir Philip Jennings Clerke.

I happened to be, on the 2d of June, in St. George's Fields, on horſeback; there were vaſt numbers of people going different ways; they were pretty well dreſſed, and ſeemed to be of the better ſort of tradeſmen. I aſked ſeveral of them why they aſſembled, and what they wanted to have done: they ſaid they wanted an end put to the public teaching and preaching of the papiſts.

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I afterwards, in my way to Palace-yard, ſaw thouſands of the ſame ſort of people that I had ſeen in the morning. I ſaw the people that were in the lobby of the Houſe of Commons, but they appeared to me to be a different claſs of people, and of a lower ſort. I heard ſome part of what the priſoner ſaid to the people in the lobby: I alſo heard him ſay, "the member for Briſtol is now ſpeaking; he is not a friend to your petition, but take notice I give you no advice, unleſs it be that you be temperate and firm.

Croſs examination.

There was no ſpeaking in the Houſe on the Friday for ſome time, as the Lobby was quite full of people with blue cockades, who prevented the Houſe from dividing. I heard ſome members deſire lord George to requeſt them to go away. On the Friday I went away with lord George in Sir James Lowther's coach; on the Tueſday there was a diviſion upon a motion for taking the petition into immediate conſideration. I was for taking it into conſideration, becauſe I then thought that a petition from forty thouſand people deſerved the attention of the legiſlature, and I think ſo ſtill. I happened to be next the priſoner as we came out of the Houſe on the Tueſday; I ſaid to him, you muſt be my protector, and I took hold of his arm. We were much incommoded by the crowd, and when we were near the Houſe Tavern, the priſoner ſeeing a carriage ſtanding at the door, belonging to a Mr. Wiggan, with whom he was acquainted, he aſked him to lend it, which he did; and I got into it with the priſoner. As ſoon

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as we were in, the people took off the horſes, and drew the carriage through the city. As I was merely an accidental paſſenger, and had an engagement to dinner at Whitehall, I wanted to get out of the carriage, but I could not. They ſaid they muſt ſtop at the Manſion-houſe, to give the Lord Mayor three cheers. They then drew the carriage to Mr. Alderman Bull's, where I was confined by the populace for ſome time; during which his lordſhip often ſaid to them, "While you continue thus riotous, the Houſe will do nothing;" and he intreated them, with great earneſtneſs, to behave quietly, and go home. In order to induce the people to diſperſe, word was ſent to them that he was gone away; but they would not believe it, and did not diſperſe, ſo the priſoner got again into the carriage, and they drew it away.

John Turner.

I was in St. George's Fields on Friday the ſecond of June; I heard the priſoner deſire the people to be quiet, for that nothing would give ſo much weight to their petition, as good order and decent and peaceable behaviour. He told them he had been informed that ſome riotous people would mix with them, but he hoped they would not be led away by any ſuch perſons.

John Humphrys.

I was in St. George's Fields on the ſecond of June, I did not ſee the priſoner addreſs the people. A gentleman whom I did not know came from him, deſired them to diſperſe, and ſaid there was an act to prevent ſo many people from preſenting a petition.

Sampſon

Sampſon Hodgkinſon.

I was in St. George's Fields on the Friday, and I heard Lord George addreſs the people in one of the rings; he deſired them to be peaceable. The enemies of their cauſe might attempt to raiſe ſome diſorder, he ſaid, which would be imputed to them, and therefore they ought to prevent it. He told them they ought to be cautious not to lay any foundation for tumult, and to adhere ſtrictly to the ſcripture rule, "If ſtruck on one cheek, to turn the other." In conſequence of ſome information which came to his Lordſhip, a rumour was ſpread that there was ſome danger, and his Lordſhip deſired that not more than twelve of them would go up with the petition, as he wiſhed to avoid all offence. All the people that were in the diviſion in which I went, behaved very peaceably; and if any perſon gave any encouragement to be otherwiſe, they dropt their hands to ſhew they did not approve of it.

John Robinſon.

I was in St. George's Fields, and the people were very peaceable; I ſtayed ſome time in Palace Yard, the people who made the riots there had blue cockades, but I do not think they were the ſame people that went in the London diviſion.

Sir James Lowther.

I was at the Houſe of Commons the day when the petition was preſented. After the guards had cleared the lobby, I left the Houſe with Lord George and Sir Philip Jennings Clerke. Lord George aſked me to convey him home. I ſaid I would. Sir George Saville joined us, and we were

met in Mrs. Bennett's room by Sir John Irwin and Colonel Lutterel, who had a blue cockade in his hat. Preſently afterwards they went out of the room, and we were left alone. When we were in the carriage, the mob came about it, and aſked if the bill was to be repealed. Lord George anſwered, I don't know, I hope it will; but go home and make no noiſe. As Lord George ſeemed to be much fatigued, I offered that my carriage ſhould carry him home to his own houſe, which it did.

Mrs. Hume.

I was a ſervant to Lord George Gordon in June laſt; I recollect his coming home on Friday the 2d of June before eleven o'clock; and he did not go out again that night. He was at home on the Saturday, Sunday, and Monday following.

Croſs Examination.

Q. Was he at home the whole of thoſe days?

W. I don't recollect that; but I know he was at home ſome part of each day.

Priſoner's Counſel.

My Lords, if the Court think it at all neceſſary, we are ready to prove where the noble Lord was every hour of thoſe days.

Alderman Pugh.

I was Sheriff at the time of the late riots; I recollect that I was in the ſame coach with the priſoner on Wedneſday the 7th of June laſt. A paper was handed into the coach by a man who appeared to be in great diſtreſs, and ſaid, he was afraid his houſe would be burnt down. The paper

was

was brought ready written; he begged his lordſhip to ſign it, which he did. I think, however, that he heſitated. I did not ſign that, or any ſuch paper.

Here the evidence for the priſoner was cloſed.

Mr. Erſkine now roſe in behalf of the priſoner. But the fluency and rapidity with which he ſpoke, made it impoſſible for the moſt expeditious writer to take it with accuracy in every part. He ſpoke not only as a lawyer, but as an orator; as a man pleading, in the moſt forcible manner, for the life that appeared as dear to him as his own. He communicated the paſſions he felt to the hearts of his auditors ſo powerfully, and ſeized upon them ſo irreſiſtibly, that even his blemiſhes paſſed with applauſe at the moment they were made, however they might be conſidered afterwards. He handled the Crown Lawyers very ſeverely, particularly the Attorney General; and, among other remarkable expreſſions, ſaid, that if a man could bring a paper, ſigned from the beſt of principles, from the pureſt motives of humanity, and adduce it as a proof of guilt, to convict the perſon acting from ſuch excellent principles to death, by G—d he muſt be an aſſaſſin. What muſt the feelings of the Court be, and to what a pitch muſt the paſſions be rouzed, when an expreſſion like this, in the preſence of ſuch an audience, and upon an occaſion ſo ſolemn, met not the ſmalleſt mark of diſapprobation. It was, perhaps, the ſtrongeſt poſſible proof of the orator's powers. It is not pretended to give here the whole of what Mr. Erſkine ſaid; it is impoſſible:

no writer could keep pace with him; and Mr. Erſkine himſelf could not make any thing like an exact recapitulation. What follows, however, is what was moſt material in law and argument; Mr. Erſkine ſaid, he was alſo a counſel for the noble Lord at the bar; and if the gentlemen who had gone before him had found themſelves under difficulties upon this occaſion, what muſt his feelings be, who had had ſo much leſs experience. He declared, that ſince the firſt moment he knew any part of the noble Lord's defence reſted upon him, he had not been at eaſe. That the noble Lord ſtood charged with what he would agree with the Attorney General to be the higheſt crime, with high treaſon. But as it was the higheſt crime, ſo it ought to be cautiouſly and accurately defined. It would be a rod to ſcourge the moſt innocent at will, if the crown could make the law to fit the fact. He thought the Attorney General would have ſtated to the jury, the law of High Treaſon; but as he had not done it, he would endeavour to ſupply that omiſſion as well as he was able. Here he entered into a detail of the law of treaſon; he ſaid the ſtatute of Edward the Firſt was made to define treaſon, and by that act the jury were to meaſure all the evidence that they had heard to-day. That ſtatute confines treaſon to ſuch acts as unequivocally, and unambigiouſly ſtrike at the root of the conſtitution; it declares that thoſe offences which it mentions, and none others, ſhould be adjudged treaſon. And that if any other caſe ſuppoſed to be treaſon ſhould happen, not the Judges, but the King and Parliament ſhould declare whether it

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were ſo or not. That between the reign of Edward the Third, and that of Queen Mary, ſeveral ſtatutes paſſed declaratory of new treaſons, but all theſe were totally abrogated by the ſtatute, made in the firſt year of Q. Mary's reign, which again reduced the law of treaſon within the ſtatute of Edward the Third. He inſiſted that the purpoſe of the Proteſtant Aſſociation, and of the perſons aſſembling, muſt be the ſole object for the conſideration of the jury; and though there had been meetings, yet if it appeared they were unconnected with the reſt of the buſineſs, or that the perſons were not aſſembled for any treaſonable purpoſe, it was juſt the ſame. The noble priſoner could not be affected by them, the indictment muſt charge that the perſons were arrayed in a warlike manner, and though that had been held to be matter of evidence, yet ſome act of violence muſt be proved; for all agree that the intention makes the treaſon, and the overt act is the only means of accompliſhing that intention. It is the traiterous purpoſe of the mind, not the unintentional act of the body that conſtitutes the treaſon; and therefore, unleſs the jury were clearly convinced that the priſoner was a traitor in his heart, they could not convict him; and that traiterous intention muſt be collected, not from preſumption or by inference, but from direct and poſitive evidence. He ſaid he had ſtated the law of treaſon to the jury, becauſe that was the ſtandard to which they were to apply the evidence. He contended that the aſſembly of the Proteſtant Aſſociation in St. George's Fields, was not an act that indicated a treaſonable intention to the mind of any one; for at that time

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no one foreſaw what afterwards happened. Or if the government did foreſee the miſchief, why did they not provide againſt it? The mere act of attending, in ſuch large numbers, the petition to the Houſe, could at moſt be an offence againſt the act of Charles the Second, which inflicts a ſmall fine and trivial impriſonment upon perſons, who, to the number of more than twelve, ſhould preſent a petition to Parliament, even if that act were not repealed by the bill of rights, which he contended it was. Such petitioning did not amount to treaſon, he ſaid; for in the year 1696, the Houſe of Commons determined it to be only a miſdemeanor. He ſtated Lord George Gordon's conduct from the time he became a member of the Aſſociation, and ſhewed it to be guiltleſs. He ſaid it might be inexpedient and imprudent for the noble Lord to aſſemble together ſo many people, but he was not to defend him againſt a charge of imprudence, but of treaſon. No one act of violence had been proved to be done by any perſons connected with his lordſhip, and the dreadful riots and diſturbances which afterwards enſued, were not imputable to the Proteſtant Aſſociation, with whom his lordſhip was connected; for it appeared by uncontradicted evidence, that thoſe outrages were committed by a ſet of miſcreants, by people of a very different deſcription from the members of the Proteſtant Aſſociation. If they had been concerned in that dreadful buſineſs, their enmity would have extended no further than againſt the papiſts: but was Newgate a papiſt? were the other priſons papiſts? yet they were deſtroyed: it was therefore clear that it was done

done by people of a very different diſpoſition from that of the Proteſtant Aſſociators. One piece of evidence had been produced by the Crown which aſtoniſhed him: he meant the writing which the noble lord had ſigned as a protection to Pond's houſe; and ſigned from the fineſt feelings of humanity; for his lordſhip had that morning received a meſſage from the King, as Lord Stormont had ſtated in his evidence, that he muſt give proofs of his loyalty, by uſing all the means he was poſſeſſed of to quell the riots. What then might have been ſaid, and would have been thought, if his lordſhip had refuſed to ſign a paper, which, it was repreſented to him, would prove a protection againſt the outrages of the mob; but his lordſhip was not the only one who gave theſe protections; the conductors of the proſecution knew, that Mr. Fiſher, the ſecretary to the aſſociation, had granted his protections; that he ſpoke this of his own knowledge. Mr. Erſkine then commented upon the whole of the evidence given on the part of the crown, particularly upon the evidence given by Mr. Hay and Mr. Bowen; and inſiſted, that, independent of the evidence on the part of the proſecutor, it was not ſufficient for the jury to convict him, for it conſiſted principally of particular expreſſions, picked out by malice, and recorded without context or explanation, of ſituation, of circumſtances, or of place. If the noble lord's intention was traiterous, it muſt have been ſo from the beginning; and who could believe it was ſo, when it was proved by the ſtrongeſt and cleareſt teſtimony of concurring witneſſes, that he requeſted the people in St. George's Fields, not to attend

attend him to the Houſe; and repeatedly deſired them in the lobby to be peaceable and quiet. But the conductors of the proſecution had judged from conſequences, not deſigns. He ſet forth the moral character, the youth, the rank, and fortune of the noble priſoner; and that though, in a caſe of life and death, an advocate was warranted in making any obſervations, he proteſted that he had not willingly perverted the evidence in favour of his noble client. He concluded his eloquent ſpeech with telling the jury, that he hoped they would give ſuch a verdict, as would leave them in full poſſeſſion of quiet minds.

Mr. Solicitor General, in reply, premiſed, that the obſervations and aſſertions made by the laſt advocate, though groundleſs, and ſuch as he never before heard in a court of juſtice, would make no impreſſion upon him, nor induce him to preſs any point againſt the priſoner, but he declared, that they ſhould not prevent him from doing his duty, and laying the caſe before the jury, ſuch as it really was, and commenting upon the evidence.

He then proceeded to this effect:

This proſecution has been called ill-grounded and malicious, and the conduct of the Attorney-General has been boldly and harſhly arraigned. According to the uſual forms of proceeding in trials of this kind, the Attorney-General has not an opportunity of vindicating his conduct from the aſperſions which have been thrown upon it. I will therefore take that taſk upon myſelf; and I declare, that had I been in the place of the Attorney-General, I muſt have brought the priſoner to trial, for there certainly were ſtrong appearances

pearances of guilt. Whether ſufficient to convict him, is the province of you Gentlemen of the jury to determine; but it was the duty of thoſe intruſted by the Crown, to have the matter inquired into by a jury. The right of the people to petition the Parliament has been introduced into the caſe, though not pertinent to it, and it has been aſſerted that the Act of Charles the Second, is repealed by the Bill of Rights.—I think it is not. The Bill of Rights ſpeaks of petitions to the King, not to the Parliament. The right of petitioning Parliament remains as before the revolution, the act of Charles the 2d, ſuppoſes the right, and only limits the exerciſe of it. Was it the law before that act that the people might ſurround the Houſes of Parliament, or confine the King till their petitions were granted? Or did that act mean to exempt the perſons holding ſuch conduct from treaſon, and ſubject them to fine and impriſonment only? Certainly not. The Attorney General has been complained of for not having in his opening fully laid down to you the law of treaſons; gentlemen I know his reaſon for not doing it: it was unneceſſary, and he is not uſed to ſpend his time idly, or make quotations to ſhew his reading. None of the council to-day have doubted, but that an endeavour to obtain any alteration of the law by force, is treaſon: it was not made ſo by the ſtatute of Edward the Third: it was treaſon before that ſtatute exiſted; and for this plain reaſon, if the people can take to themſelves the right of legiſlation, the legiſlative body is at an end; for if upon ſuch attempts the people are yielded to, they

are the legiſlature; if oppoſed, the certain conſequence is a civil war, for force uſed by ſubjects againſt each other, is what conſtitutes a civil war. Gentlemen, the queſtion is, whether the priſoner has been guilty of raiſing an inſurrection, in order to obtain, by force, a repeal of the act. It is not neceſſary he ſhould make uſe of force with his own hands; a general does not fire the muſquet, he commands the ſoldier to do it; and yet it is his act. This is no conundrum, gentlemen, an epithet uſed by the laſt counſel, I preſume in the haſte of eloquence. That an inſurrection was raiſed is clear: the mob made priſoners of the Houſe of Commons; they are told the Houſe cannot divide, or go on with the buſineſs, till they retire: did they retire? No. The Houſe was obliged to be ſet at liberty by means which I hope never to ſee occaſion to uſe again, by a military force! In what ſtate was the country then? was there a perſon in this town who did not tremble for his fate? yet it has been ſtated as a matter of reproach to the ſervants of the Crown, that they adviſed a proſecution againſt the author of ſuch proceedings. Gentlemen, the object of the act brought in by Sir George Saville was to repeal a law written in letters of blood; it contained the only inſtance I believe which our law affords of perpetual imprisonment. It was not made even to ſatisfy the neceſſity of the times; for it was paſſed againſt the inclination of King William and his miniſters, and was the mere effect of party—[Here the Solicitor General recapitulated the ſeveral outrages that were committed by the mob, which it is not neceſſary to reſtate, as they were opened

opened by the Attorney General, and inſerted in his ſpeech.] -- To quell theſe diſturbances, military force was found neceſſary.

The next thing to be conſidered is, whether the priſoner was concerned in the matter. It has been ſaid, what motive could he have for raiſing and encouraging the mob? I don't know; but this I know, that the worſt conſequences have ariſen from ambition and religion, and thoſe qualities, mixed in the ſame mind, may produce the very worſt effects. Whether I diſcover his motives or not, if the fact be proved againſt him, he muſt be found guilty. Gentlemen, the priſoner met the Aſſociation ſeveral times at Coachmakers-hall, and other places; there he held language dreadful to repeat; for he ſaid that his Majeſty's miniſters had brought him into the ſituation in which James the Second was after his abdication; and that his Majeſty had broken his coronation oath: that his friends in Scotland had ſpoken out. What ſpeaking out was there in Scotland, except the devaſtations which were committed? [Here the Solicitor General recapitulated the evidence of Hay, Bowen, Anſtruther, and Metcalfe, as to what Lord Gordon ſaid to the mob at the Houſe of Commons.] Gentlemen, this ſame mob, which had been at the Houſe on the Friday, when the priſoner got into his friend's carriage, with Sir Philip Clerke, drew it to Alderman Bull's, for they knew, without any direction, the houſe to which the priſoner wiſhed to go. On Wedneſday he goes to the King, and tells Lord Stormont that he could be of uſe in ſuppreſſing the riots. The mob pay obedience to the priſoner's protections.

The witneſſes for the proſecution have been called the ſcum of the earth, and Mr. Hay having had the misfortune to fail, is, for the ſake of the phraſe, called a bankrupt, in fortune and in conſcience. He had no intereſt, no motive, no preſent benefit or chance of it; and though his character is now attacked, and they have had notice of him as a witneſs for eighteen days, no attempt has been made to impeach it by evidence. Are invectives and aſſertions to weigh againſt evidences. No Terms could be ſtronger than thoſe the priſoner uſed at Coachmakers-hall; he ſent rebellion through the land: the firſt act of violence here was burning the chapels, like the conduct of the Scotch inſurgents. A ſteady and a firm petitioner is a new language; it is turning a petition into a demand. Did the priſoner do any thing to quell the mob? Did he not wear the badge himſelf? He came down to the Houſe on Tueſday with a blue cockade. It is ſaid nothing was done by any of the Proteſtant Aſſociation: but to ſuppoſe the want of connexion here is to ſhut our eyes againſt the ſtrongeſt light. Whom did the priſoner addreſs in the lobby? Why his friends certainly. They held the ſame language, and bore the ſame marks, upon all occaſions, as at the Houſe; and it is not till the lobby is cleared by the military that the outrages begin. They firſt began with chapels and houſes of Papiſts; then they deſtroyed the houſes of the witneſſes againſt ſuch as had been apprehended, and of the juſtices who committed them. And I muſt think that the burning of the houſe of the noble lord who preſides in this court, was a continuance of the ſame plan of intimidation; for who was

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ſo proper to be attacked for that purpoſe, as the houſe of the firſt criminal judge. To ſuppoſe that another mob could go and burn chapels is too abſurd.—What aſſiſtance could the priſoner give in quelling a mob he had nothing to do with? but he had power over it, for he grants a protection to Pond, and it is minded.—I proteſt I do not ſee any weight in the evidence produced for the priſoner, though Middleton ſays, the priſoner always deſired the repeal might be obtained in a peaceable manner. The direction to give up any one who was riotous, and when one cheek was ſtruck to turn the other, is not probable. He gives them no advice, and though all his inflammatory expreſſions, which we have proved, were ſpoken before his friends, not one of them has been called to contradict or explain them. Gentlemen, if you think we have not proved the caſe, acquit him, and no one will murmur at it; but if it appears to you, that the priſoner, incited, encouraged, and conducted the mob, what muſt be the conſequence? No conſideration of rank or fortune will make you forget juſtice; every man will lament the fate of the priſoner; but if you think he is ſo, you muſt find him Guilty.

Lord Mansfield. Gentlemen of the jury, the priſoner at the bar ſtands indicted for High Treaſon, for levying Public War againſt the King.—I will ſtate to you what the law is. There are two kinds of levying war againſt the King; the one directly againſt his perſon, the other againſt the Majeſty (in contradiſtinction to the perſon) of the

the King: and if a multitude of people aſſemble themſelves together, in order to obtain by force, any general or public object, it is treaſon, becauſe it takes away the power of the Crown and Parliament, and therefore inſurrections for the raiſing of wages, opening of priſons, deſtroying of all meeting-houſes, tolerated by law, and even to pull down all bawdy-houſes, though againſt law, amount to treaſon, ſo a reſiſtance to the Militia Act was held to be treaſon. And if a mob aſſemble with intent by force to awe or compel King, Lords, and Commons, to make a new law, or to alter or repeal an old one, it certainly is treaſon; and whoever is aiding, abetting, or encouraging, is a pincipal, and it don't ſignify whether the law is bad or good.—My opinion is, that a man ought not to be puniſhed for his religion, but permitted to exerciſe it, provided it does not interfere with the government and conſtitution of the country. Gentlemen, it ought to be underſtood, that this bill brought in by Sir George Savile is not a toleration of the papiſts, it only takes away ſome penalties out of many. Immediately after the revolution, it might be neceſſary to have penal laws againſt the papiſts. There is another thing, gentlemen, which I will mention to you, becauſe it has been much obſerved upon to day; and that is, whether the act of Charles II. is repealed by the Bill of Rights. I have conſulted the judges upon the queſtion, and we are all of opinion, that the ſtatute is in force; and I never before heard a doubt to the contrary. Gentlemen, there are two points for your conſideration; firſt, whether the multitude aſſembled, and did acts of violence,

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to intimidate the legiſlature, and to obtain by force, a repeal of the bill; ſecondly, whether the priſoner was privy to, aided, incited, or encouraged them. It ſeems to be admitted, that on the 2d of June, a great multitude aſſembled in St. George's Fields, in conſequence of a public advertiſement from the priſoner: that they proceeded in order to the Houſe of Commons: that they poſſeſſed themſelves of the lobby, and filled the avenues leading to both Houſes of Parliament: that the Houſe of Commons could not divide, becauſe the lobby was full, and the officers could not clear it: that members in coming to both Houſes were ſtopped and inſulted: that afterwards a mob, I ſay a mob, burnt the chapels and houſes of the Roman Catholics, the houſes of the juſtices and witneſſes, and deſtroyed the priſons, and ſet the priſoners at liberty. Now I will ſtate to you the evidence that has been given, to prove his lordſhip's conduct with reſpect to the Proteſtant Aſſociation. The firſt, in point of chronology, is the Rev. Mr. Middleton.

Then his lordſhip ſummed up that part of the evidence of Mr. Middleton which related to the meeting of the Proteſtant Aſſociation previous to the 29th of May; and alſo to the evidence of William Hay, and what came out on his croſs examination.

You will recollect the obſervations that have been made upon the evidence of this witneſs; it has not been attempted to be impeached but in argument.

Then his lordſhip proceeded to ſum up the evidence of William Metcalfe, John Anſtruther, the reverend

reverend Mr. Bowen, and Mr. Cator; and having done ſo, he ſaid the other evidence for the Crown was not material as to the priſoner's own conduct. Here he was interrupted by the priſoner, who deſired him to ſum up the evidence of Richard Peirſon, which his lordſhip accordingly did, and was proceeding to the evidence of the next witneſs, when he was interrupted again by the priſoner, who told his lordſhip, he had omitted a part of Peirſon's evidence materially in his favour; it was, that the priſoner waved his hand as a ſignal to the mob, to let the members paſs through the lobby to the houſe. Lord Mansfield then repeated it to the jury, and he particularly deſired, that the other judges would correct him if he misſtated or omitted any part of the evidence, and that the jury would look at their own notes. His lordſhip then went through the remainder of the evidence for the crown, and the whole of the evidence for the priſoner.

Gentlemen, upon this evidence, ſeveral conſiderations ariſe as to the number of the people, their object, all which I leave to you. And as I ſaid before, there are two points for your conſideration, firſt, whether the intent of the mob was, by aſſembling and committing acts of violence, to intimidate, or by force, to compel the legiſlature to comply with their petition; and ſecondly, whether the priſoner aided, incited, adviſed, or encouraged them to aſſemble or commit acts of violence for that purpoſe. If you are of opinion that they did not intend to intimidate the legiſlature, or compel the repeal of the bill by force, or that the priſoner

was

was not concerned In aiding or encouragng them, you will acquit him if you think otherwiſe, you will find him guilty always remember if the balance of Evidece: hangs doubtful to incline on the Side of mercy

The Jury prepared and officer was ſworn to keep them and in about half an hour they returned and where call through

Clerk of the Realm Lord George Gordon, hold up your hand

Gentlemen of the Jury—Look upon the priſoner—How ſay you—Is he guilty of the indictment wherewith he ſtands charged, or not guilty?

For *Jury* Not Guilty.

Clerk of the crown. You ſay he is Not guilty and ſo you ſay all.

This trial began at half paſt eight on Monday morning, and the jury brought in their verdict at five on Tueſday morning.

FINIS